



VILLAGE OF PECK

SANILAC COUNTY, MICHIGAN

ZONING ORDINANCE

30 E LAPEER ROAD
PECK, MICHIGAN 48466
810-378-5131
www.villageofpeck.com

RESOLUTION 01-2023
AS AMENDED & ADOPTED 03-15-23



VILLAGE OF PECK
ZONING ORDINANCE
RESOLUTION 01-2023

VILLAGE OF PECK
SANILAC COUNTY, MICHIGAN

Adopted: March 15, 2023

Amended: March 15, 2023

Effective: May 1, 2023

Prepared with the Assistance of:
Spicer Group, Inc.
Saginaw, MI
www.spicergroup.com

In partnership with:
Michigan Economic Development Corporation
(MEDC)
Redevelopment Ready Communities
<https://www.michiganbusiness.org/>

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE



ARTICLE 1 TITLE | PURPOSE | AUTHORITY

SECTION 1.00 Title	1-1
SECTION 1.01 Purpose.....	1-1
SECTION 1.02 Authority	1-1
SECTION 1.03 Severability	1-1

ARTICLE 2 DEFINITIONS

SECTION 2.00 Rules Applying to the Ordinance	2-1
SECTION 2.01 Definitions	2-1
A.....	2-1
B.....	2-5
C.....	2-6
D.....	2-7
E.....	2-9
F.....	2-10
G.....	2-12
H.....	2-12
I.....	2-13
J.....	2-13
K.....	2-13
L.....	2-14
M.....	2-16
N.....	2-16
O.....	2-17
P.....	2-17
R.....	2-18
S.....	2-19
T.....	2-20
U.....	2-21
V.....	2-21
Y.....	2-22
Z.....	2-23

ARTICLE 3 LAND USE DISTRICTS

SECTION 3.00 Establishment of Districts.....	3-1
SECTION 3.01 Official Zoning Map.....	3-1
SECTION 3.02 Residential (R) District	3-2
SECTION 3.03 Agricultural Residential (A-R) District.....	3-5
SECTION 3.04 Manufactured Home Subdivision or Land Lease Community (MHS)	3-10
SECTION 3.05 Commercial (C) District.....	3-14
SECTION 3.04 Industrial (I) District	3-19

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

ii



ARTICLE 4 GENERAL PROVISIONS

SECTION 4.00	Intent and Purpose.....	4-1
SECTION 4.01	Restoring Unsafe Buildings	4-1
SECTION 4.02	Prohibited Dwellings.....	4-2
SECTION 4.03	Zoning Lots.....	4-2
SECTION 4.04	Required Accessibility/Street Frontage	4-3
SECTION 4.05	Building Restrictions	4-3
SECTION 4.06	Substandard Dwellings.....	4-4
SECTION 4.07	Accessory Buildings and Structures.....	4-4
SECTION 4.08	Temporary Buildings, Structures, and Uses.....	4-7
SECTION 4.09	Structures and Uses Declared a Nuisance.....	4-9
SECTION 4.10	Construction Debris.....	4-12
SECTION 4.11	Fences, Walls, and Screens	4-12
SECTION 4.12	Home Occupations	4-14
SECTION 4.13	Mobile Homes	4-15
SECTION 4.14	Mixed Use Development.....	4-15
SECTION 4.15	Drive Ins.....	4-16
SECTION 4.16	Parking and Loading.....	4-16
SECTION 4.17	Performance Standards.....	4-21
SECTION 4.18	Essential Services	4-23
SECTION 4.19	Signs	4-24
SECTION 4.20	Landscaping and Screening	4-27
SECTION 4.21	Driveways	4-30
SECTION 4.22	Transition Zoning.....	4-30
SECTION 4.23	Weeds	4-31
SECTION 4.24	Non-Conforming Uses and Structures	4-32
SECTION 4.25	Solar Energy Systems	4-33
SECTION 4.26	Section and Quarter Section Lines.....	4-34

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

ii



SECTION 4.27	Water Supply and Sewage Disposal	4-34
SECTION 4.28	Streets and Sidewalks	4-35
SECTION 4.29	Drainage	4-35
SECTION 4.30	Conflicting Regulations.....	4-35

ARTICLE 5 SITE PLAN REVIEW

SECTION 5.00	Purpose.....	5-1
SECTION 5.01	Approval Matrix	5-2
SECTION 5.02	Requirements and Process For a Plot Plan	5-3
SECTION 5.03	Requirements for a Site Plan	5-5
SECTION 5.04	Pre-Application Conference	5-5
SECTION 5.05	Minimum Site Plan Information Required	5-5
SECTION 5.06	Submittal and Review Process.....	5-7
SECTION 5.07	Conformity to Site Plan Required	5-9
SECTION 5.08	Phased Development	5-10
SECTION 5.09	Resubmission and Revision.....	5-10
SECTION 5.10	Expiration	5-11
SECTION 5.11	Site Plan Standards	5-11
SECTION 5.12	Compliance with Approval	5-12

ARTICLE 6 SPECIAL LAND USES

SECTION 6.00	Purpose.....	6-1
SECTION 6.01	Special Land Use General Standards.....	6-1
SECTION 6.02	Submittal Requirements for Special Land Use Application.....	6-2
SECTION 6.03	Process.....	6-3
SECTION 6.04	Validity, Expiration, Suspension or Revocation of a Special Use Approval.....	6-4

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

iii



SECTION 6.05 Special Land Use Amendments	6-5
SECTION 6.06 Performance Guarantee.....	6-5
SECTION 6.07 Special Land Use Specific Standards	6-5

ARTICLE 7 VILLAGE PLANNING COMMISSION

SECTION 7.00 Authority	7-1
SECTION 7.01 Meetings, Advisors, and Rules	7-1
SECTION 7.02 Responsibilities and Duties	7-2

ARTICLE 8 ZONING BOARD OF APPEALS

SECTION 8.00 Authority	8-1
SECTION 8.01 Membership	8-1
SECTION 8.02 Meetings.....	8-2
SECTION 8.03 Jurisdiction and Responsibilities.....	8-2
SECTION 8.04 Appeals.....	8-2
SECTION 8.05 Interpretation	8-3
SECTION 8.06 Variances.....	8-4
SECTION 8.07 Application and Procedures	8-5
SECTION 8.08 Limitations of Authority	8-7

ARTICLE 9 ADMINISTRATION AND ENFORCEMENT

SECTION 9.00 Zoning Administrator	9-1
SECTION 9.01 Administration Process	9-3
SECTION 9.02 Public Notice Requirements	9-7

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

iv



SECTION 9.03 Fees	9-9
SECTION 9.04 Performance Guarantee	9-10
SECTION 9.05 Land Removal and/or Landfill Permit.....	9-11
SECTION 9.06 Enforcement	9-12

ARTICLE 10 AMENDMENTS | CONDITIONAL REZONING

SECTION 10.00 Initiation of Amendments, Generally.....	10-1
SECTION 10.01 Amendment Procedure	10-1
SECTION 10.02 Criteria for Amending the Zoning Map.....	10-3
SECTION 10.03 Conditional Rezoning.....	10-3

ARTICLE 11 VALIDITY AND EFFECTIVE DATE

SECTION 11.00 Validity	11-1
SECTION 11.01 Repeal	11-1
SECTION 11.02 Interpretation	11-1
SECTION 11.03 Application.....	11-1
SECTION 11.04 Vested Right.....	11-2
SECTION 11.05 Enactment and Effective Date.....	11-2

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

v



SECTION 1.00 TITLE

Now, therefore, the Council of the Village of Peck ordains the 2023 Zoning Ordinance of the Village of Peck. This Ordinance shall be known and may be cited and referred to as the 2023 Zoning Ordinance of the Village of Peck and shall be referred to hereafter as “the Ordinance.”

SECTION 1.01 PURPOSE

- a. The purposes of this ordinance include the:
1. Protection of public health, safety, morals, comfort, and general welfare;
 2. Promoting the health, safety, and general welfare of the inhabitants of the Village of Peck;
 3. Protection and conservation of property and property values;
 4. Promoting the use of land and resources in accordance with character, adaptability, and plan of further growth and development;
 5. Providing for compatible uses and development of land with reduced congestion by buildings, traffic, and population and with provisions for water, transportation, sewage, schools, parks, lights, and other public requirements;
 6. Promoting increased safety from fire, erosion, flood, and other dangers;
 7. Division of the Village into compatible use districts;
 8. Conforming land uses to social, demographic, economic, technological changes and other developmental trends with a flexible and objective ordinance based on statutory and common law;
 9. Providing for administration of this Ordinance.

SECTION 1.02 AUTHORITY

Now, therefore, the Council of the Village of Peck ordains:

This Ordinance is enacted by authority of the [Michigan Zoning Enabling Act, PA 110 of 2006](#), as amended, MCL 125.3101 et. seq., for all purposes permitted thereunder.

SECTION 1.03 SEVERABILITY

If any part, sentence, paragraph, section or provision of this Ordinance is found to be unconstitutional or invalid, such invalidity shall not affect the remaining portion or validity of this Ordinance as a whole.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

1-1



SECTION 2.00 RULES APPLYING TO THIS ORDINANCE

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. Additionally, the following rules apply to the Ordinance:

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number

- a. The word "shall" is always mandatory and not merely directory. The word "may" is permissive.
- b. A "building" or "structure" includes any part thereof.
- c. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- d. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
- e. Any word not herein defined shall be construed as in the [State Construction Code of 1999 PA 245 of 1999;as amended](#) and the [Michigan Zoning Enabling Act. PA 110 of 2006, and amended \(MCL 125.3101\)](#).
- f. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows.
- g. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
- h. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- i. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- j. Other terms, phrases, and words not herein defined shall have the meaning customarily assigned to them by general usage in the English language.
- k. "Village" shall refer to the Village of Peck.

SECTION 2.01 DEFINITIONS

A

Abutting

Having property or a district line in common.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-1



Adult Foster Care Facility

An establishment having as its principal function the receiving of adults for foster care as defined in [Act 218 of 1979 \(MCL 400.703 et seq.\)](#). It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

- a. Nursing homes licensed under [Part 217 of Act 368 of the Public Acts of 1978](#), as amended;
- b. Hospitals for persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under [Act 258 of the Public Acts of 1974](#), as amended;
- c. County infirmary operated by a county department of social services under [section 55 of Act 280 of the Public Acts of 1939](#), as amended;
- d. A child care institution, children's camp, foster family home, or foster family group home licensed or approved under [Act 116 of the Public Acts of 1973](#), as amended, if the number of residents who become 18 years of age while residents, does not exceed statutory limits;
- e. Homes for the aged licensed [under Part 213 of Act 368 of the Public Acts of 1978](#), as amended;
- f. Hospitals licensed under [Part 215 of Act 368 of the Public Acts of 1978](#), as amended;
- g. Foster family homes licensed or approved under [Act 116 of the Public Acts of 1973](#) if a person 18 years of age or older is placed therein;
- h. Areas excluded by [Section 17\(3\) of Act 448 of the Public Acts of 2014](#);
- i. Private residences with the capacity to receive at least (1) but not more than four (4) adults;
- j. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- k. A veteran's facility created by [Act 560 of 2016](#) as amended.

Adult Foster Care Family Home

An adult foster care facility with the approved capacity to receive at least three (3) but not more than six (6) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the facility.

Adult Foster Care Small Group Home

An adult foster care facility with approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[T.O.C.](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-2



Adult Foster Care Large Group Home

An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Congregate Facility

An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Accessory Dwelling Unit (ADU)

A residential dwelling unit on the same parcel as a principal residential dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit, a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of the principal dwelling unit. Accessory dwelling units shall be developed in accordance with Section 4.07 of the Ordinance and only in the zoning districts where the use is allowed.

Accessory Use or Building

A use or building customarily subordinate and incidental to the principal use or building located on the same lot. An accessory use or building attached to a principal building shall be considered part of that principal building. Fences and walls are not accessory uses or buildings. Recreational vehicles are not accessory uses.

Alley

Any public space or thoroughfare twenty (20) feet or less in width, but not less than ten (10) feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

Alteration

A change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Animal, Domestic Pet

Those species of animals commonly kept as household pets such as cats and dogs.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-3



Animal, Livestock

Those species of animals used for human food and fiber or those species of animals used to service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, captive cervidae, ratities, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

Applicant

Any person who applies for a permit or petition.

Application

The process by which the owner of a parcel of land within the Village submits a request to develop, construct, build, modify, or erect a structure or commence a Special Land Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Village concerning such a request.

Area, Building

The aggregate of the maximum horizontal cross-section area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than three feet, steps, one-story open porches, bay windows not extending through more than one story, and not projecting more than two feet, balconies, and terraces.

Assisted Living Home

A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Auto Repair Garage

A place where the following activities may be carried on: vehicle body repair, engine rebuilding or repair, undercoating, painting, upholstery work, welding and auto glass work, etc..

Automobile Service Station or Gas Station

A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, minor repairs, and replacement of minor parts and accessories, but not including major repair work such as motor overhaul, body or fender repair, or spray painting. A Special Land Use is required.

Awning

Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-4



B

Basement

A portion of a building, which is partly or wholly below grade so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.

Berm

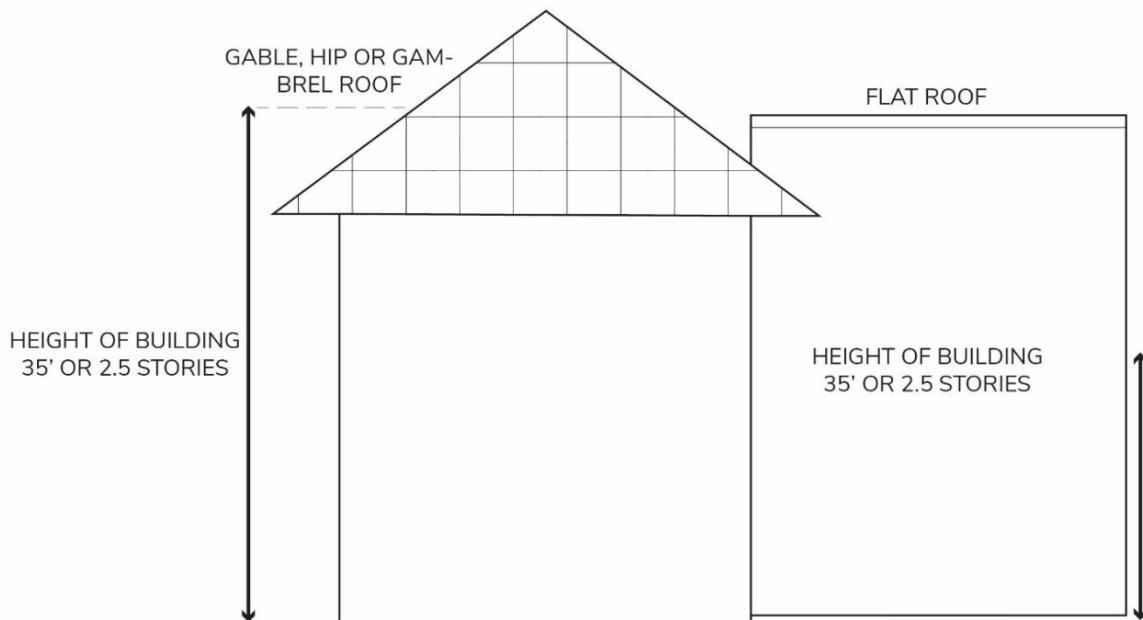
An earthen mound of definite height and location designed to serve as an obscuring device in carrying out the requirements of this Ordinance.

Building

A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, used for residential, business, mercantile, storage, commercial, industrial, institutional, as assembly, educational, or recreational purposes. For the purposes of this definition “roof” shall not include an awning or other similar covering, whether or not permanent in nature.

Building, Height

The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for a gable, hip or gambrel roof.


[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[T.O.C.](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-5



Building, Principal

A building in which is conducted the principal use of the premises on which it is situated.

C

Certificate of Occupancy

A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

Child Care Facility

A facility for the care of children (persons under 18 years of age), as licensed and regulated by the State under the [Child Care Organizations Act, 1973 PA 116](#), and the associated rules promulgated by the State Department of Health and Human Services.

Commercial Vehicle (Ord. 08-2)

- a. Any vehicle that falls under Class A or Class B classification as defined by this Ordinance, or
- b. A vehicle designed to transport sixteen or more passengers, including the driver, or
- c. A vehicle transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R Part 172, Subpart F, or
- d. Any type vehicle with a refrigerated body that the refrigerated unit is operated by gasoline or diesel engine, regardless of the gross vehicle weight rating.

Commission

The Planning Commission of the Village of Peck, Sanilac County, Michigan

Condition Use

See “Special Land Use”

Conditional Rezoning

A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Convalescent Home (Nursing Home)

A home for the care of children, the aged, the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. A convalescent or nursing home is subject to the licensing requirements of applicable State laws.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-6



Council

The Village Council of the Village of Peck, Sanilac County, Michigan.

Court

An occupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Court, Inner

A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

Court, Outer

A court enclosed on not more than three sides by exterior walls, and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

D

Deck

A structural platform without a roof or walls, usually projecting from the wall of a building. Also includes balconies.

District

A portion of the Village within which certain regulations and requirements or various accommodations thereof apply under the provisions of this Ordinance. "District" is synonymous with the words "zone" or "zoning district".

Drive-Through

An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

Driveway

A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-7



Dwelling

A building designed or used as the living quarters for one or more persons. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Fourplex

A building containing four dwelling units attached by vertical common walls, each of which has primary ground floor access to the outside.

Dwelling, Multiple-Family

A building, or a portion thereof, designed exclusively for occupancy by five (5) or more families living independently of each other where each unit may have access to a common hallway, stairs or elevator.

Dwelling, Single-Family Detached

A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single family dwelling that does not share a party wall with any other dwelling is a detached single family dwelling.

Dwelling, Single-Family Attached

A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own access to the outside, no unit is located over another, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

Dwelling, Triplex

A building divided horizontally into three separate dwelling units, each of which has an independent pedestrian entrance either directly to the outside or through a common vestibule.

Dwelling, Two Family or Duplex

A use which is a dwelling designed for or occupied by two (2) families, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Ordinance.

Dwelling Unit

One or more rooms providing complete living facilities for one family, including equipment for cooking or provision for the same, and including room or rooms for living, sleeping, and dining.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-8



E

Easement

The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Electric Vehicle (EV), Plug-In

Any vehicle that operates on electrical energy derived from an off-board source that is stored in the vehicle's batteries. For the purposes of this ordinance, this term includes fully electric vehicles as well as hybrid vehicles that run on both batteries and fossil fuels but can be charged by plugging in to a compatible electrical outlet.

Electric Vehicle Charging Space

A parking space located adjacent to an electric vehicle charging station and reserved for the charging of electric vehicles.

Electric Vehicle Charging Station

Equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other storage device located onboard an electric vehicle. Charging stations shall be either for public use (accessible to all vehicle users during posted hours), or for restricted use (for certain specified users such as residents, fleet vehicles, or employees).

Erected

Any physical operations on the premises required for the construction or placement and includes construction, building, reconstruction, alteration, excavation, fill, drainage, installation of utilities, etc..

Erosion

The collapse or subsidence of land along the shore of a lake or other body of water, including drains, creeks, streams, and rivers, as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-9



Essential Service

The erection, construction, alteration, or maintenance by public utilities, municipal departments or commissions, and private utilities of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of public utilities for municipal adequate service by such departments or commissions or for the public health, safety or general welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generator, public buildings and public utility substations are not included within this definition.

Excavation

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest, except common household gardening and ground care.

F**Façade**

The exterior wall of a building exposed to public view.

Family

One (1) or more persons related by blood, marriage, or legal adoption (and their domestic partners) occupying a dwelling unit and living as a single housekeeping unit; or a collective number of individuals living together in a dwelling unit whose relationship is of a permanent and distinct domestic character and cooking as a single housekeeping unit. This definition shall not include a society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary in character or nature.

Fence

A partition, structure, or gate erected as a dividing marker, barrier, or enclosure.

Flea Market

An enclosed shop or open market selling primarily used goods, antiques, curios, art objects, collectibles, etc..

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-10



Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of drains, creeks, streams, rivers, lakes or other inland water caused by severe storms, hurricanes, tornadoes, heavy rains or tsunamis.

Flood Plain

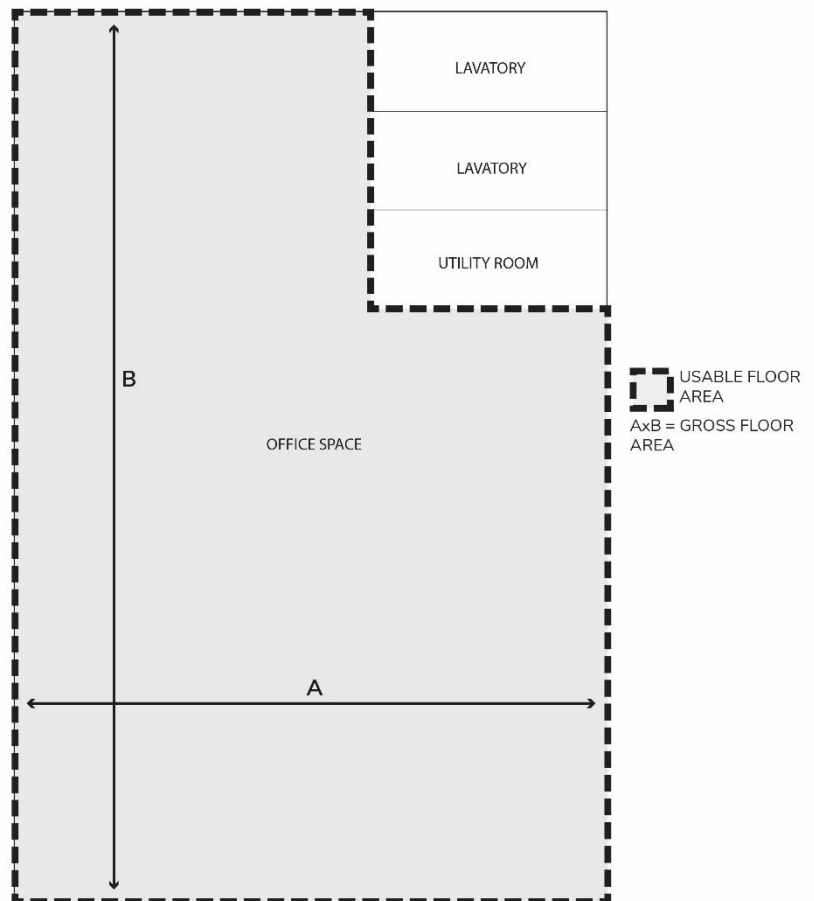
The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one-hundred (100) years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by [FEMA \(Federal Emergency Management Agency\)](#).

Floor Area, Gross

The sum of the horizontal areas of the several floors of the building excluding areas used for accessory garage purposes and such basement areas as are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including walls or other enclosures of enclosed porches.

Floor Area, Usable

That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area.



G**Garage, Private**

A building or part thereof accessory to a main building and providing for the storage of motor vehicles and in which no occupation or business for profit is carried on.

Garage, Public or Storage

A building or part thereof (other than a private residential garage) for the storage of motor vehicles or in which service, maintenance or repair activities may be performed.

Garage Sale

A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

Grade

The highest ground elevation in contact with any portion of the basement or foundation of a dwelling.

Greenbelt

A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

H**Home Occupation**

An occupation or profession customarily carried on by an occupant of a dwelling unit which is conducted within a dwelling or accessory building as a secondary use, which is clearly subservient to the use of the dwelling for residential purposes.

Hotel

A building containing guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests, or both, and where no provision is made for cooking in any guest room except suites where compact pullman-type kitchenettes may be provided.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-12



I

Impervious Surface

Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

Industry

The production, manufacture or fabrication of products with the intention of profit. The term also includes the ancillary repair, modification or alteration of products. The raising of farm products is exempted.

J

Junk

Articles that have outlived their intended usefulness in their original form and are commonly discarded or gathered up to be converted into another product, either of the same or different kind.

Junkyard

An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, shredded or handled, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. A “Junkyard” includes automobile wrecking yards and includes any area of unreasonable accumulation for storage, keeping or abandonment of junk, but does not include established entirely within enclosed buildings.

K

Kennel

A kennel is any place or premise where four (4) or more adult dogs, cats, or other domestic pets, more than six (6) months of age, are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-13



L

Landscaping

Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading or excavation included on a landscape site plan.

Loading Space

An off-street space on the same lot with a building, or contiguous to a group of buildings for unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot

A parcel of land capable of being occupied by one building, and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Ordinance, and having frontage on a public or private street.

Lot, Corner

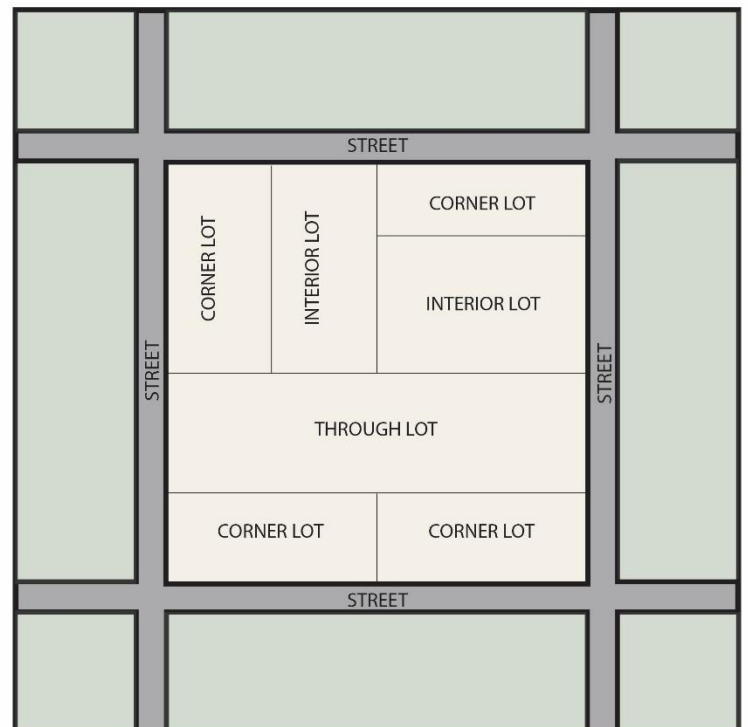
A lot at the point of intersection of and abutting on two or more intersecting streets. It is the land occupied or to be occupied by the corner building and its accessory buildings.

Lot, Interior

A lot other than a corner lot.

Lot, Through

Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-14



Lot Area

The total horizontal area within the lot lines of the lot.

Lot Coverage

The part or percent of the lot occupied by buildings, including accessory buildings.

Lot Lines

Any line dividing one (1) lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.

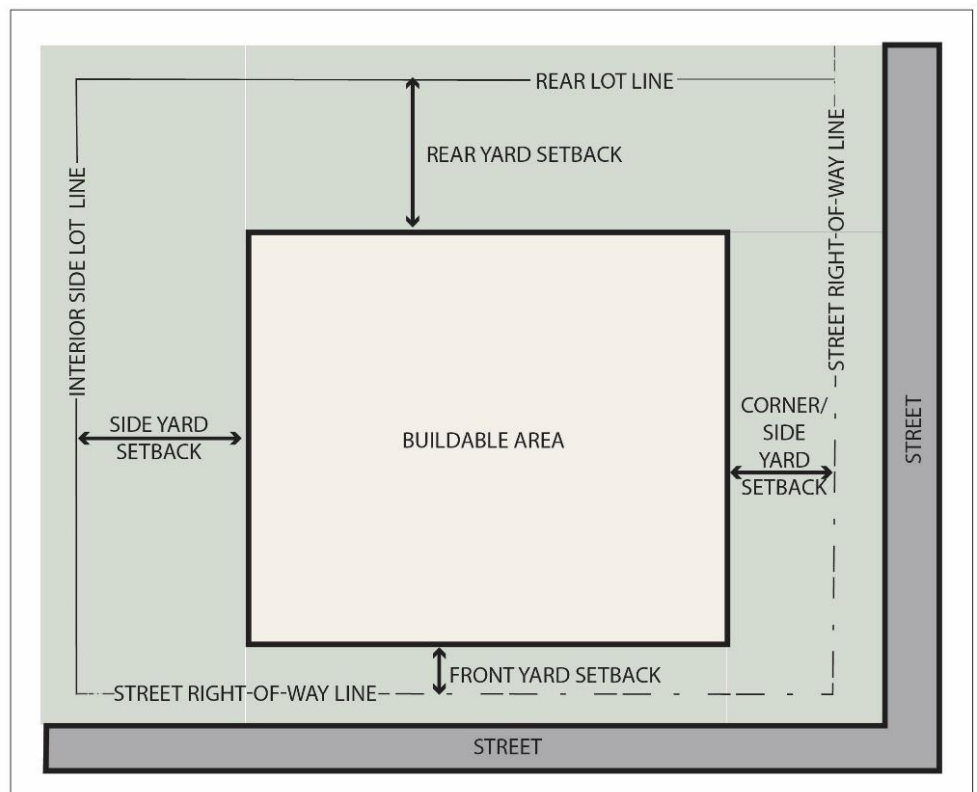
Front Lot Line. In the case of an interior lot, that line separating said lot from the street or right-of-way. In the case of a corner lot, the side listed as the official mailing address unless the principal building entrance is not also located on this side. After the front yard has been determined, then the remaining side of the corner lot abutting the street shall be considered a side yard.

Rear Lot Line. That lot line opposite and most distant from the front lot line.

Side Lot Line. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot Width

The width of the lot at the setback line,



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-15



Lot of Record

A lot which is part of a subdivision, the map of which has been recorded in the office of the register of deeds of Sanilac County, Michigan, or a parcel of land described by metes and bounds, the description of which has been recorded in the office of Register of Deeds of Sanilac County, Michigan.

M

Manufactured Home

A factory-built structure, transportable in one (1) or more sections, that is built on a chassis and designed for use as a dwelling with or without a permanent foundation, constructed according to the standards promulgated by the U. S. Department of Housing and Urban Development, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Provided, however, that the term “*Manufactured Home*” shall not include modular homes (which are transported to the placement site on independent frames and running gear), motor homes, campers, recreation vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and connection to sanitary sewage, electrical power and potable water utilities.

Motel

A series of attached, semi-detached or detached rental units containing bedroom and toilet facilities for temporary lodging for compensation.

Mixed-Use Development

Any combination of two or more uses permitted in the district on a single zoning lot.

N

Non-Conforming Building

A building or portion thereof existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the use provisions of the Ordinance in the zoning district in which it is located.

Non-Conforming Use

A use of land existing at the time of the enactment of this Ordinance, or amendments thereto, which does not conform to the regulation of the district in which it is located.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-16



Noxious Weeds

Noxious weeds shall include Canada Thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), Mustards (charlock, black mustard and indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus hoary alyssum*, *Berteroa incana*), ragweed (*abrosia elatior*) and poison ivy (*rhys toxicodentron*), poison sumac (*toxicondentron vermix*) oxeye daisies, goldenrod, or other plants which are recognized as deleterious to health, safety, or public welfare and recognized as a common nuisance.

Nuisance

An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

O**Occupied**

Includes the use of a building or land for the purpose for which it was designed, arranged, or intended.

Off-Street Parking Lot

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

P**Parking**

The permitting of a vehicle to remain standing on a public highway, street or on private property while not in use.

Parking Lot

An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:



Parking Space

An area of not less than 180 square feet, net, exclusive of access or maneuvering area, or ramps, columns, etc., to be used exclusively as a temporary storage space for one private motor vehicle. Truck loading and unloading space shall not be included in such area.

Performance Guarantee

Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond.

Park

A parcel of land set aside for outdoor games or recreational purposes.

Plot Plan

The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Pond

A natural or man-made body of water without an encircling fabricated retainer.

Public Service

Public service facilities (within the context of this Ordinance) shall include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities, and similar uses.

Public Utility

Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, water or other such essentials.

R

Recreational Vehicle

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. Other examples include trailer coaches and motor homes.

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[T.O.C.](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-18



Religious Institution or Church

A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. In determining the definition of an organized religious body, the Village will refer to the characteristics, generally attributed to churches, that are used by the Internal Revenue Service to define a church. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

Refrigerated Unit Vehicle

Any type vehicle with a refrigerated body that the refrigerated unit is operated by gasoline or diesel engine, regardless of the gross vehicle weight rating.

Rooming House

Any dwelling in which more than two persons either individually or as families are housed or lodged for hire, with or without a boarding house or furnished rooming house shall be deemed a “Rooming House”.

Right-of-Way

A legal right of passage over real property typically associated with roads and railroads.

S

Setback

The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed. The distance is used to establish front, side or rear yard open space.

Sign

Any device, display, or structure that is visible from a public place and directs attention to an object, product, service, place, activity, person, institution, organization or business. This definition does not include architectural elements incorporated into the structure or facade of a building. For the purposes of this ordinance, “signs” do not include those only visible from the inside of a building or athletic field/stadium; nor do “signs” include those held by or attached to a person.

Site Plan

The drawings and documents depicting and explaining all features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-19



Solar Energy System

A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.

Solar Storage Battery

A device that stores energy from the sun and makes it available in an electrical form.

Special Land Use

Uses of land which are not essentially incompatible with the uses permitted in a zoning district but possess characteristics or qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Special land uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Village.

Street

A public or private thoroughfare which affords the principal means of access to abutting property.

Structure

Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

Swimming Pool

A fabricated or artificially formed body of water retained within a manufactured act or fabricated structure.

Subdivision

The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat or other instrument.

T**Temporary Structure**

Any structure that can be readily and completely dismantled and/or removed from a site.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-20



U

Use

The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

V

Variance

A modification of the literal interpretation of the Zoning Ordinance, which is authorized by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would either unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

Variance, Non-Use A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

Variance, Use A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that zone. Use Variances are granted based on the showing of an unnecessary hardship.

Vehicle Classification

Class A: Any combination of vehicles with a gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds, and all vehicles included within Class B and Class C;

Class B: Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, and all vehicles included within Class C;

Class C: Any single vehicle with a gross vehicle weight rating not in excess of 26,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of 10,000 pounds, any such vehicle towing a vehicle with a gross vehicle weight rating in excess of 10,000 pounds, provided that the combination of vehicles has a gross combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled or towed vehicle that is equipped to serve as temporary

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-21



living quarters for recreational, camping, or travel purposes and is used solely as a family or person conveyance;

Class D: Provisional license applicable to non-commercial Class C vehicles which an applicant desires a drivers license but is not presently licensed to drive;

Class M: Motorcycles, motor driven cycles, and three-wheeled motorcycles;

Class P: Instructional permit applicable to all types of vehicles for which an applicant desires a driver's license but is not presently licensed to drive.

Y

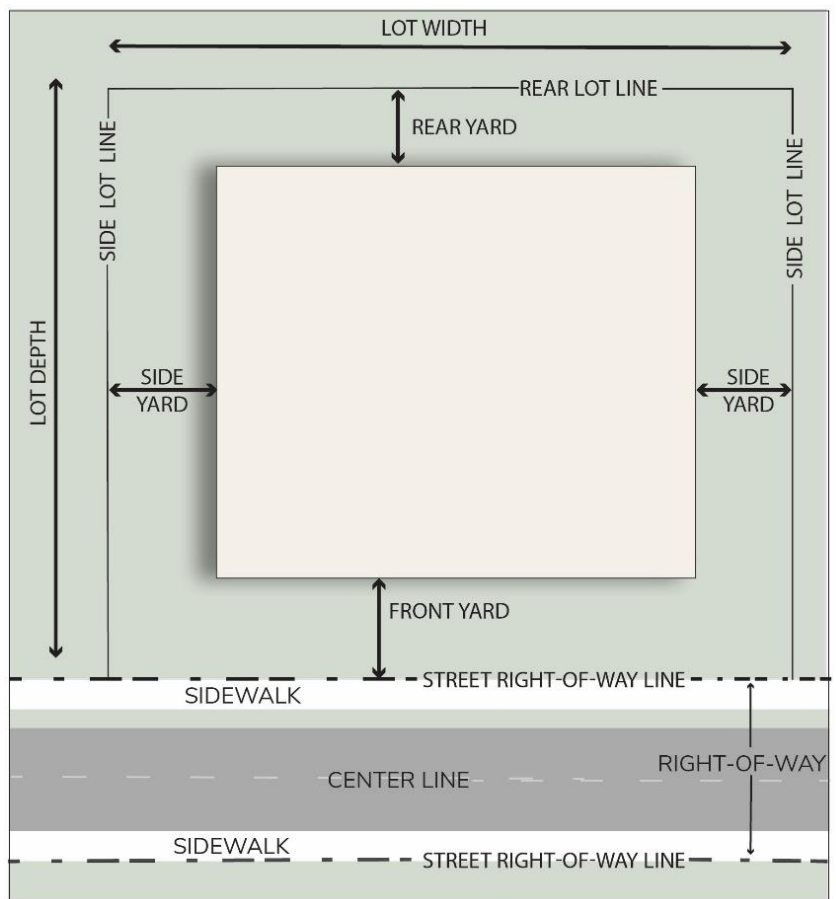
Yards

The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in Ordinance and as defined herein.

Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-22



Z**Zoning Administrator**

The person retained by the Village of Peck to administer and enforce this Zoning Ordinance.

Zoning Board of Appeals

As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

Zoning District

A portion of the Village of Peck within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Permit

A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

2-23



SECTION 3.00 ESTABLISHMENT OF DISTRICTS

The incorporated area of the Village of Peck, Sanilac County, Michigan, is hereby divided into five (5) districts designated:

Table 3.0 – Land Use Districts

ZONING DISTRICT ABBREVIATION	ZONING DISTRICT	ZONING ORDINANCE SECTION
R	Residential	Section 3.02
A-R	Agricultural-Residential	Section 3.03
MHS	Manufactured Home Subdivision or Land Lease Community	Section 3.04
C	Commercial	Section 3.05
I	Industrial	Section 3.06

SECTION 3.01 OFFICIAL ZONING MAP

- a. Maps:
 1. The boundaries of districts or zones are shown upon the Official Zoning Map, which is maintained in the Village office.
 2. The Official Zoning Map and all notations, references and other information appearing thereon are hereby declared to be a part of this ordinance and of the same force and effect as if the Districts were fully set forth by metes and bounds description.
 3. To facilitate the interpretation and application of this Ordinance, renditions of the Official Map shall be appended to copies of this Ordinance. Interested parties should be aware, however, that Ordinance amendments, non-conforming uses, special land uses, etc., may cause the Official Map to be altered and differ from previous renditions which may not have been updated.
- b. Boundaries of Zoned Districts: For determination of the boundaries of districts shown of the Zoning Maps, the following rules shall apply:
 1. Where boundaries are indicated as following, or approximately following, street and alley lines, the street or alley centerlines shall be construed to be the boundaries.
 2. Where boundaries are indicated as following, or approximately following, lot lines or plot lines, the lot line or plot line shall be construed to be the boundary.
 3. Where boundaries are indicated as following, or approximately following, Village boundary lines shall be construed to be the boundaries.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-1



4. The Zoning Board of Appeals shall, upon application or upon its own motion determine the location of boundaries in case where uncertainty exists.

SECTION 3.02 RESIDENTIAL (R) DISTRICT

The following shall apply for Residential Districts:

- a. Use Types: Permitted and Special Land Uses shall be limited to those listed in Table 3.1 and shall be subject to the dimensional standards listed in Table 3.2 as well as the provisions of Article 4 General Provisions, Article 5 Site Plan Review, and Article 6 Special Land Use Review, as applicable.

Table 3.1 – Uses Permitted in the Residential District (R)

PERMITTED USES
Single-Family Dwellings
Duplex Dwellings
Triplex Dwellings
Fourplex Dwellings
Adult Foster Care Family Home
Accessory Structures
Accessory Dwelling Units (ADU)
SPECIAL LAND USES
Adult Foster Care Small Group Home
Adult Foster Care Large Group Home
Multiple-Family Dwellings
Parks
Public or Community Assembly Buildings
Religious Institutions
Hotel, Motel, or Rooming House
Kennel
Other uses which are not inconsistent with the provisions of this Ordinance

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-2



Table 3.2 - Development Standards

LOT SIZE	
Minimum Lot Area	7,920 sq ft
Minimum Lot Width	66 ft
LOT COVERAGE	
Maximum Lot Coverage	50%
SETBACKS	
Minimum Front Yard Setback For new structures on an occupied block	Average depth of the existing front yards on the block.
For new structures on an unoccupied block	30 ft as measured from the road right-of-way.
Minimum Side Yard Setback	10 ft, on each side
Minimum Rear Yard Setback	10 ft
Corner Lots	Maximum height of walls, fences, hedges or accessory structures of 3' within 20' of any corner so as not to interfere with traffic visibility. Side yards shall not be less than the ratio of the setback on adjacent streets.
FLOOR AREA	
Minimum Floor Area Per Unit	
One story structure	750 sq ft
More than One-Story, Single-Family	750 sq ft (minimum of 600 sq ft on ground floor)
BUILDING HEIGHT	
Maximum Building Height	35 ft or 2.5 stories
Religious Facilities (not including steeples) and public and semi-public buildings	May be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty- five (35) feet.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

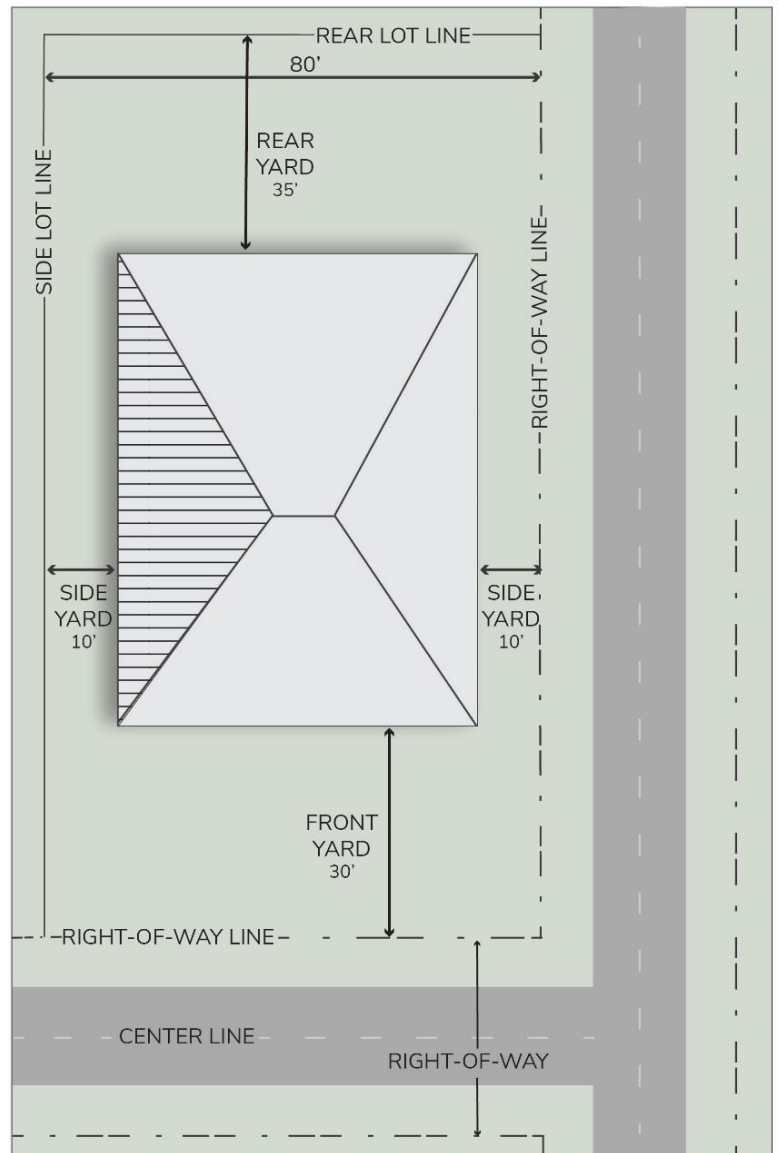
AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-3



- b. Accessory Buildings shall comply with the requirements outlined in Section 4.07.
- c. Supplementary Requirements
 - 1. Driveways shall comply with Section 4.21 of the Ordinance.
 - 2. Fences, Walls and Screening shall comply with Section 4.11 of the Ordinance.
 - 3. Home Occupations shall comply with Section 4.12 of the Ordinance.
 - 4. Driveways shall conform to the requirements listed in Section 4.21 of the Ordinance.
 - 5. Landscaping shall comply with Section 4.20 of the Ordinance.
 - 6. All Triplex and Fourplex developments shall submit a Landscaping Plan in compliance with Section 4.20 of the Ordinance.
 - 7. All ADUs shall conform to the requirements listed in Section 4.07 of the Ordinance.



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-4



SECTION 3.03 AGRICULTURAL-RESIDENTIAL DISTRICT (A-R)

- The following shall apply to all Agricultural-Residential districts:
- a. Use Types: Permitted and Special Land Uses shall be limited to those listed in Table 3.3 and shall be subject to the dimensional standards listed in Table 3.4 as well as the provisions of Article 4 General Provisions, Article 5 Site Plan Review, and Article 6 Special Land Use Review, as applicable.

Table 3.3 – Uses Permitted in the Agricultural-Residential District (A-R)

PERMITTED USES
Single-Family Dwellings
Duplex Dwellings
Agricultural Enterprises and Related Structures
Adult Foster Care Family Home
Roadside stands, provided, however, that at least 50% of the produce and all other articles and goods sold therefrom shall be grown upon the premises where the stand is situated.
Home Occupations (Subject to the requirements of Section 4.17)
Accessory Buildings
Accessory Dwelling Units
SPECIAL LAND USES
Adult Foster Care Small Group Home
Adult Foster Care Large Group Home
Multiple-Family Dwellings
Religious Institutions
Schools
Libraries
Cemeteries
Hospitals, clinics, and sanatoriums
Convalescent homes
Funeral homes
Nursing homes
Community fallout shelters
Hotels, Motels, Rooming houses, Boarding homes or similar uses.
Roadside stands which do not comply with permitted use requirements
Motor vehicle storage and repair shop
Migrant worker camps
Parks and grounds for outdoor activities and recreation, recreational and community center buildings, campgrounds, airplane landing strips and helicopter landing pads, provided that all such activities be non-commercial and not operated for profit.
Other uses which are not inconsistent with the provisions of this Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-6



Table 3.4 - Development Standards

LOT SIZE	
Minimum Lot Area	20,000 sq ft
Minimum Lot Width	100 ft
LOT COVERAGE	
Maximum Lot Coverage	50%
SETBACKS	
Minimum Front Yard Setback For new structures on an occupied block	Average depth of the existing front yards on the block.
For new structures on an unoccupied block	30 ft as measured from the road right of way
Minimum Side Yard Setback	10 ft
Minimum Rear Yard Setback	35 ft
Corner Lots	Maximum height of walls, fences, hedges or accessory structures of 3' within 20' of any corner so as not to interfere with traffic visibility. Side yards shall not be less than the ratio of the setback on adjacent streets.
FLOOR AREA	
Minimum Floor Area Per Unit	
One story structure	750 sq ft
More than One-Story, Single-Family	750 sq ft (minimum of 600 sq ft on ground floor)
BUILDING HEIGHT	
Maximum Building Height	35 ft or 2.5 stories
Religious Facilities (not including steeples), silo, barns, and public and semi-public buildings	May be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty- five (35) feet.

- b. Accessory Buildings shall comply with Section 4.07 of the Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

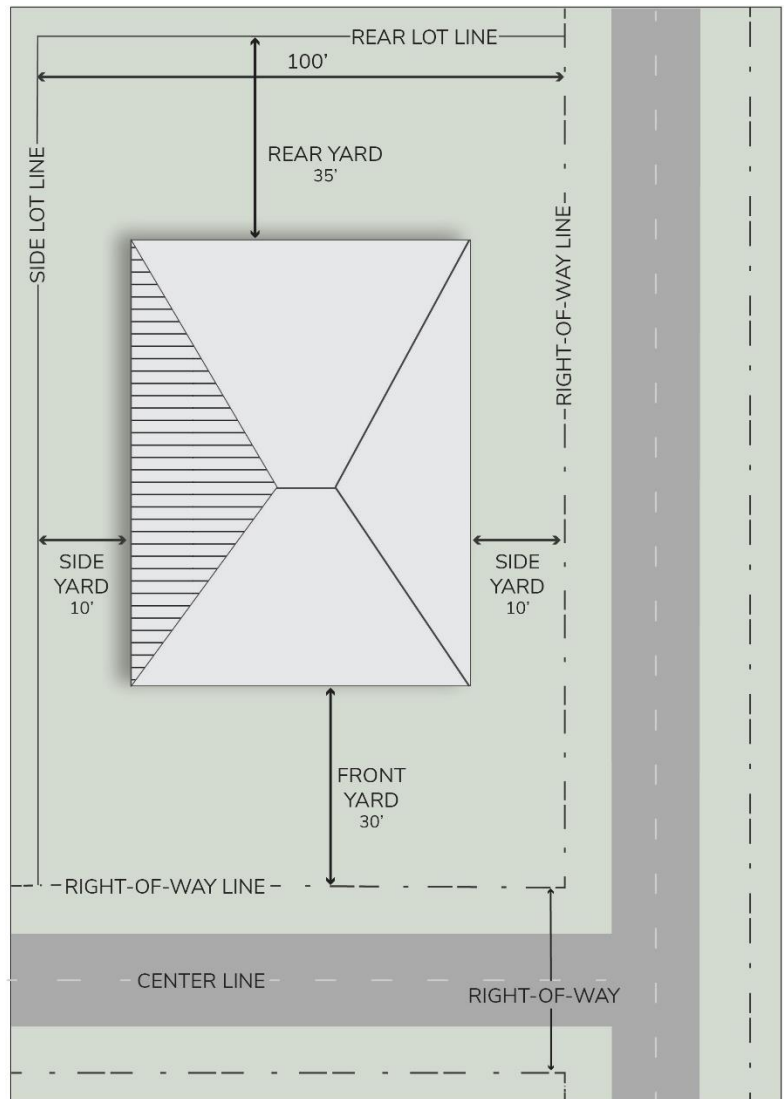
VILLAGE OF PECK ZONING ORDINANCE

3-7



c. Agricultural Enterprises Raising Livestock (Category 4 Generally Accepted Agricultural and Management Practices - GAAMPs)

1. Those Agricultural Enterprises classified as a Category 1, 2 or 3 sites under GAAMPs, may keep livestock and construct/ maintain such buildings necessary for the continuance of the operation exempt from the following requirements and as provided for in the [Michigan Right to Farm Act, Act 93 of 1981](#).
 - i. Those Agricultural Enterprises classified as a Category 4 site under GAAMPs maintain no statutory right to farm or keep or maintain farm animals or livestock. The following regulations shall apply to such enterprises:
 - ii. Parcels of forty acres or less may not be utilized to harbor, keep, pasture or otherwise maintain other than a total of 5 calves, beeves or horses, sheep and not more than a total of 2 pigs or goats, and not more than 50 fowl, rabbits or similar commercial small animals.
 - iii. Accessory buildings housing livestock (e.g., cattle, horses, poultry, pigs, sheep, goats, etc.) shall be located not less than 200 feet from the nearest neighboring dwelling.
2. Farm buildings or structures (except open fences) shall be not less than ten (10) feet from the side or rear line of the premises, nor shall they be exempt from erosion hazard criteria. No such building or structure shall be erected less than one hundred fifty (150) feet from the right-of-way of all Federal and State roads and one hundred eight (108) feet from the highway right-of-way on other roads.



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-8



d. Supplementary Regulations

1. Driveways shall conform to the requirements listed in Section 4.21 of the Ordinance.
2. Off-street parking shall comply with Section 4.16 of the Ordinance.
3. Fences, Walls and Screening shall comply with Section 4.11 of the Ordinance.
4. Landscaping shall comply with Section 4.20 of the Ordinance.
5. All ADUs shall conform to the requirements listed in Section 4.07 of the Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-9



SECTION 3.04 MANUFACTURED HOME SUBDIVISION or LAND LEASE COMMUNITY (MHS)

The following provisions shall apply to all Manufactured Home Subdivisions (wherein lots are individually platted and sold as private mobile home sites) or Land Lease Communities (wherein more than two Manufactured Home Sites are owned and managed by a lessor, licensed by the Michigan Department of Commerce).

- a. New Manufactured Home Subdivisions and Land Lease Communities (requiring a Zoning district change):
 - 1. An applicant who wishes to create a new Manufactured Home Subdivision or Land Lease Community shall apply to the Village Council (acting in lieu of a Planning Commission) to establish a Manufactured Home Subdivision or Land Lease Community District, when a change in Zoning is required.
 - 2. An application for a Manufactured Home Subdivision or Land Lease Community shall have the preliminary plan approved by the County Road Commission, County Drain Commissioner, and the County Health Department before it will be considered by the Village. In considering application for a new park, the Village shall be guided by, and require compliance with, Michigan Mobile Home Commission Rules 125.1904 through 125.1911 and such other Commission rules as apply.
 - 3. Persons wishing to create a new Manufactured Home Subdivision or Land lease Community shall comply with the Michigan Subdivision Control Act (1967 PA 288) before the Village shall consider creating such a new district. Further, the Village shall make any rezoning recommendations conditional upon compliance with the applicable provisions of this Ordinance, including yards, buffers, fences, screening, lot size roadways, driveways, parking, etc. as restrictions on lot titles.
 - 4. The Planning Commission shall follow the requirements of Article X in rezoning of any real estate to Manufactured Home, Subdivision or Land Lease Community as well as the requirements of Article VIII for Special Land Uses. (Public hearings and notices being required).
- b. Use Types: Permitted and Special Land Uses shall be limited to those listed in Table 3.5 and shall be subject to the dimensional standards listed in Table 3.6 as well as the provisions of Article 4 General Provisions, Article 5 Site Plan Review, and Article 6 Special Land Use Review, as applicable.

ARTICLE 1	ARTICLE 2	ARTICLE 3	ARTICLE 4	ARTICLE 5	ARTICLE 6
ARTICLE 7	ARTICLE 8	ARTICLE 9	ARTICLE 10	ARTICLE 11	T.O.C.

Table 3.5 – Permitted Uses in the Manufactured Home Subdivision or Land Lease Community District (MHS)

PERMITTED USES
Single-family mobile home residential dwellings with not more than one (1) such dwelling per lot.
One garage and one accessory building or structure, such as, garages, properly fenced swimming pools, satellite antennae, etc. that are incidental to the principal use, are allowed on each lot. No accessory building or structure (other than attached garages) shall be in side or front yards.
Community or Subdivision grounds maintenance buildings.
SPECIAL LAND USES
Commercial operations ancillary to the operation of a land lease community (but not subdivision)
Playgrounds and recreational facilities
Public and community assembly buildings
Other uses which are not inconsistent with the provisions of this Ordinance

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-11



Table 3.6 – Development Standards

LOT SIZE	
Minimum Lot Area	9,000 sq ft
Minimum Lot Width	60 ft
Minimum Lot Depth	150 ft
LOT COVERAGE	
Maximum Lot Coverage	50%
SETBACKS	
Minimum Front Yard Setback	30 ft
Minimum Side Yard Setback	10 ft, on each side
Minimum Rear Yard Setback	10 ft
Corner Lots	Maximum height of walls, fences, hedges or accessory structures of 3' within 20' of any corner so as not to interfere with traffic visibility. Side yards shall not be less than the ratio of the setback on adjacent streets.
FLOOR AREA	
Minimum Floor Area Per Unit	720 sq ft, not including floor space in an attached garage, open porch or other attached structure.
BUILDING HEIGHT	
Maximum Building Height	35 ft or 2.5 stories Public and semi-public buildings may be erected to a greater height if the building is set back from each required yard line at least one (1) more foot for each foot of additional height above thirty-five (35) feet.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-12



c. Driveways and Parking

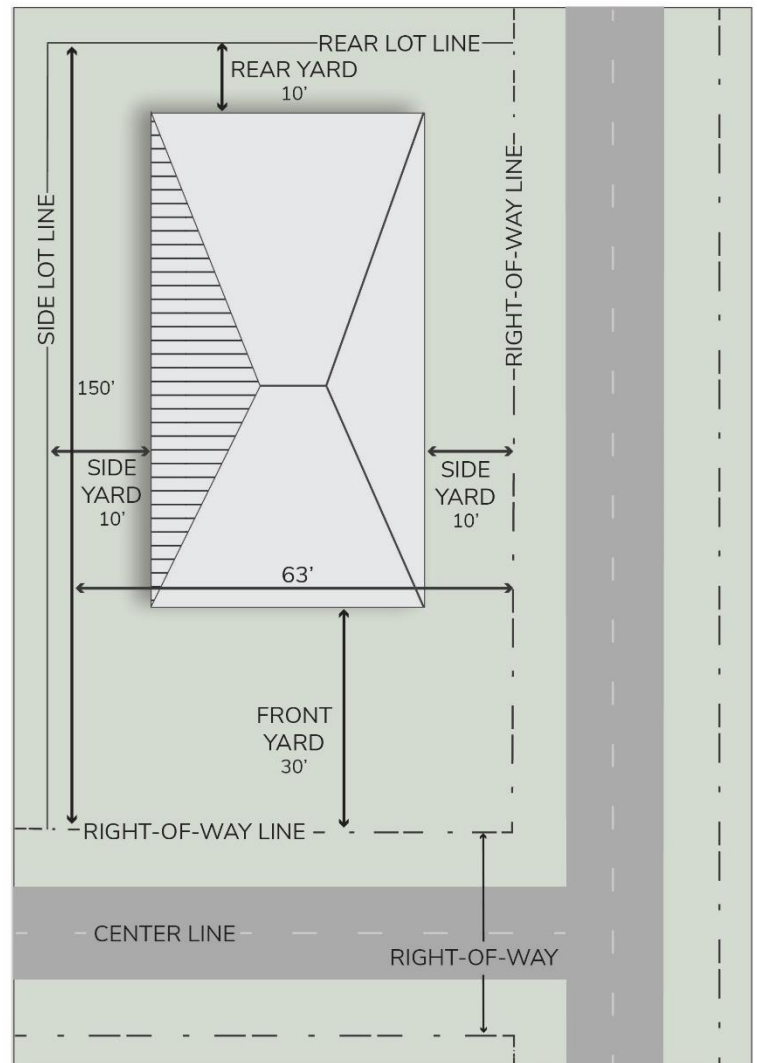
1. Manufactured Home Subdivision or Land Lease Community Districts off-street parking, driveways, access and egress shall be provided in accordance with the Michigan Mobile Home Commission Rules (R125.1925)
2. In Manufactured Home Subdivision or Land Lease Communities, driveways shall comply with Section 4.21(b).

d. Fences, Walls and Screening

1. Manufactured Home Subdivision or Land Lease Communities shall be completely screened by a view obstructing fence, earthen berm, coniferous natural growth (or combination thereof) along the entire property line, including the line abutting a public thoroughfare, except at access points. The screen shall be at least six (6) feet above the road grade level.
2. Manufactured Home Subdivision or Land Lease Communities shall have open buffer areas at least ten (10) feet wide at all side and rear property lines.
3. Fences, walls and screening shall comply with Section 4.11 of the Ordinance.

e. Signs shall be in conformance with Section 4.19.

f. Accessory Buildings shall comply with Section 4.07 of the Ordinance.



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-13



SECTION 3.05 COMMERCIAL (C) DISTRICT

The following shall apply for all Commercial Districts:

- a. Use Types: Permitted and Special Land Uses shall be limited to those listed in Table 3.7 and shall be subject to the dimensional standards listed in Table 3.8 as well as the provisions of Article 4 General Provisions, Article 5 Site Plan Review, and Article 6 Special Land Use Review, as applicable. All uses shall comply with the performance standards listed in Section 4.17 of this Ordinance.

Table 3.7 – Uses Permitted in the Commercial District (C)

PERMITTED USES
Any use which is permitted in Residential district
All generally recognized and accepted retail stores or outlets and their accessory service or production departments
Business and professional offices
Public and personal services direct to the customer (e.g. barbers and beauticians)
Greenhouses and nurseries
Parking lots
Public, semi-public and public utility buildings not including storage yards
Community clubs, fraternal organizations, religious institutions and similar civic social organizations
Sale of alcoholic beverage for consumption off premises
Mixed-Use Development (pursuant to Section 4.14)
Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformers (stations and substations) gas regulator stations, water and sewage stations and public utility electric power generating facilities
Accessory Buildings
SPECIAL LAND USES
Small businesses engaging in the repair, finishing, alteration, assembling, fabrication or storage of goods
Adult Foster Care Congregate Facilities
Gasoline service stations

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[T.O.C.](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-14



Table 3.7 – Uses Permitted in the Commercial District (C) – (con't)

SPECIAL LAND USES
New and used motor vehicle storage or display lots
Processing or sale of used motor vehicle parts from within a building. However, if sold from vehicles on the premises (known as "junk" cars, trucks, tractors, or trailers), the owner and/or operator shall conform to the requirements of a junkyard as herein defined and obtain licenses(s) from the State of Michigan and the Village of Peck.
Recreation and amusement facilities (e.g. pool halls, video arcades, games of skill, etc.) for which license is required pursuant to any state statute or local ordinance.
Open storage yards, whether principal or accessory use
Theaters, stadiums or arenas
Open air markets (e.g. flea markets, farmers' markets, etc.)
Amusement and recreation parks and playgrounds
Churches, schools, public and community assembly buildings
Hospitals, clinics, and sanatoriums
Funeral homes, mortuaries and cemeteries
Hotels, motels, tourist homes and rooming houses
Multi-family dwellings
Bars and taverns
Combustible or toxic material storage structures or yards
Any Commercial or business use of land or buildings not specifically mentioned in this Section may be conditionally permitted upon approval of the Planning Commission after a public hearing.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-15



Table 3.8 - Development Standards

LOT SIZE	
Minimum Lot Area	20,000 sq ft
Minimum Lot Width	100 ft
LOT COVERAGE	
Maximum Lot Coverage	None
SETBACKS	
Maximum Front Yard Setback, Commercial	5 ft from sidewalk, upon review Planning Commission can waive setback requirement. Not less than the average depth of the existing front yards on the block.
Minimum Front Yard Setback, Residential	
Minimum Side Yard Setback, Commercial	0 ft
Minimum Side Yard Setback, Residential	10 ft, on each side
Minimum Rear Yard Setback	Not less than 25% of total lot depth
Corner Lots, Residential Structure	Maximum height of walls, fences, hedges or accessory structures of 3' within 20' of any corner so as not to interfere with traffic visibility. Side yards shall not be less than the ratio of the setback on adjacent streets.
FLOOR AREA	
Minimum Floor Area Per Unit	750 sq ft
Maximum for Special Land Use	5,000 sq ft
BUILDING HEIGHT	
Maximum Building Height	35 ft or 2.5 stories

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

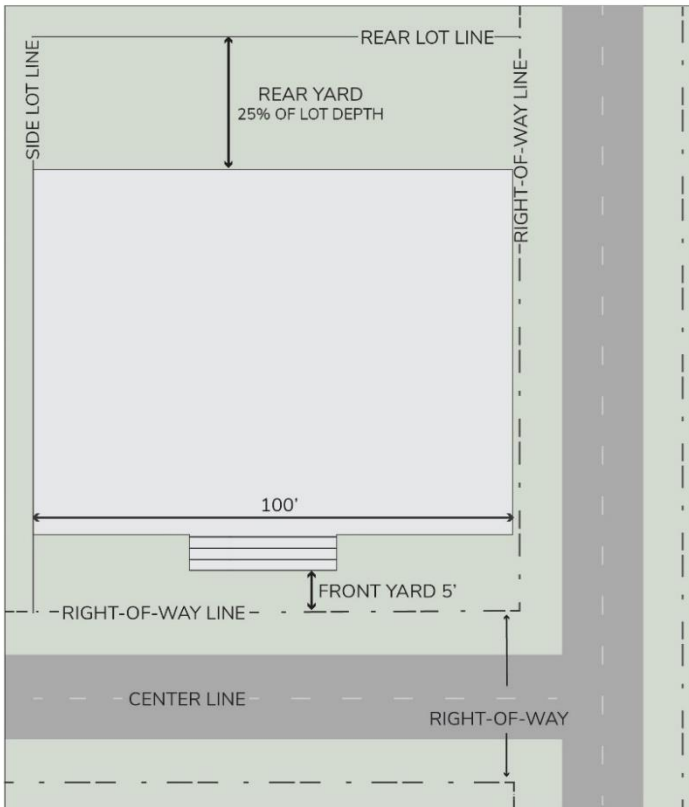
ADOPTED: March 15, 2023

AMENDED:

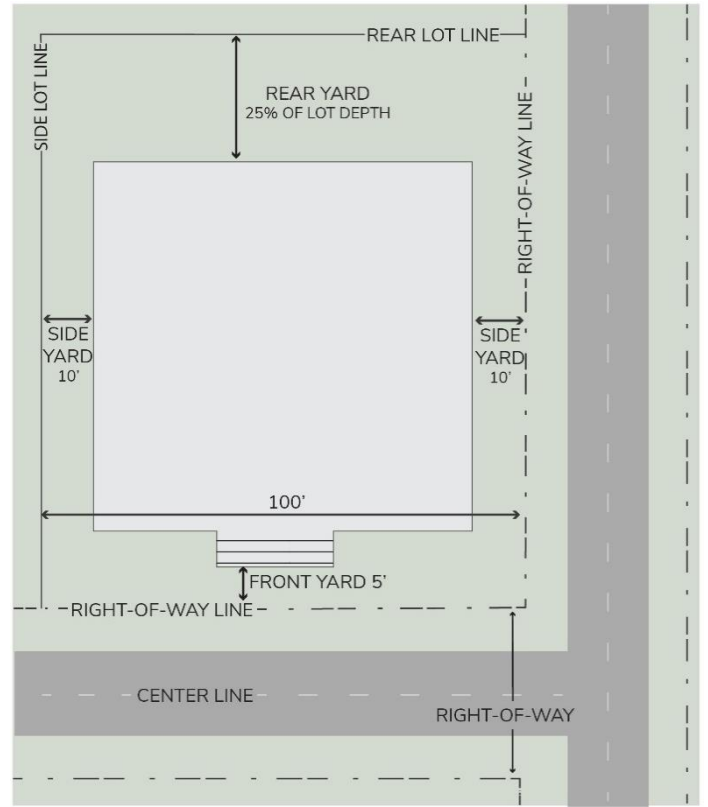
VILLAGE OF PECK ZONING ORDINANCE

3-16





(C) - Commercial Development Standards



(C) - Residential Development Standards

b. Development and Design Standards

1. Front Yard:

- i. The purpose of this provision being to require development of parking areas to the rear of the Commercial structure. Upon comparison of the applicant's site plan and elevations to the character of the neighboring architecture, uses, setbacks, etc., the provisions of this Section ("Front Yards") notwithstanding, those lots which border on use districts other than Commercial shall comply with the setback requirements defined in Section 4.22.

2. Windows: The first floor of front facades of non-residential buildings shall include at least thirty percent (30%) windows, and remaining floors of front facades shall include at least twenty percent (20%) windows.

3. Entrances: The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-17



- c. Accessory Buildings shall conform to the requirements listed in Section 4.07 of the Ordinance.
- d. Supplementary Regulations:
 - 1. Driveways shall conform to the requirements listed in Section 4.21 of the Ordinance.
 - 2. Off-street parking shall comply with Section 4.16 of the Ordinance.
 - 3. Fences, Walls and Screening shall comply with Section 4.11 of the Ordinance.
 - 4. Landscaping shall comply with Section 4.20 of the Ordinance.

SECTION 3.06 INDUSTRIAL (I) DISTRICT

The following shall apply for Industrial Districts:

- a. Use Types: Permitted and Special Land Uses shall be limited to those listed in Table 3.9 and shall be subject to the dimensional standards listed in Table 3.10 as well as the provisions of Article 4 General Provisions, Article 5 Site Plan Review, and Article 6 Special Land Use Review, as applicable. All uses in Industrial Districts shall comply with the Performance Standards listed in Section 4.17 of the Ordinance.

Table 3.9 – Permitted Uses in the Industrial District (I)

PERMITTED USES
Contractor's Establishment
Construction Equipment Sales and Rental
Warehouses
Production, processing, cleaning, testing, repair, storage or distribution of materials, goods and products without retail activity on the same site
Public Utilities
Accessory Structures
SPECIAL LAND USES
Any use that is permitted in Commercial Districts
Motor vehicle repair shops
Combustible or toxic material storage structures or yards
Reservoirs, catch basins, sewage disposal plants, aeration fields, or ponds used for the dumping or treatment of waste, chemicals, liquids or any other materials from any other Commercial or Industrial enterprise
Mini-Storage/ Self-Storage Facilities
Fertilizer and Other Chemical Plants
Slaughterhouses, Transfer Stations and Rendering Plants
Open Storage Yards as Principal or Accessory Use
Truck Terminals
Combustible or Toxic Material Storage Structures or Yards
Food Processing Plants

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-19



Table 3.9 – Permitted Uses in the Industrial District (I) – (con't)

SPECIAL LAND USES	
Junkyards	
Schools, Churches, Public and Community Assembly Buildings	
An Industrial use which, in the normal course of business, may emit any noise, vibration, smoke, dust, fumes, odors, light, glare or other nuisance factors beyond the boundaries of the property on which it is located so long as Performance Standards (as outlined in Section 4.17) are not exceeded.	

Table 3.10 - Development Standards

LOT SIZE	
Minimum Lot Area	5 acres
Minimum Lot Width	500 ft
LOT COVERAGE	
Maximum Lot Coverage	None.
SETBACKS	
Minimum Front Yard Setback With existing buildings, within 50 ft of the side yard	150 ft from center line of right-of-way May be reduced to the average of those structures
Minimum Side Yard Setback	50 ft**, each side*
Minimum Rear Yard Setback	50 ft*
Corner Lots	Maximum height of walls, fences, hedges or accessory structures of 3' within 20' of any corner so as not to interfere with traffic visibility. Side yards shall not be less than the ratio of the setback on adjacent streets.
FLOOR AREA	
Minimum Floor Area Per Unit	
Ground Floor	2,000 sq ft
BUILDING HEIGHT	
Maximum Building Height	35 ft or 2.5 stories
*If a property adjoins a railroad, no setback is required on the abutting side or rear yard	
** Where Industrial property abuts any other use district, the side yard shall be at least seventy-five (75) feet in width and maintain landscaping subject to the standards of Section 4.20(d).	

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-20



b. Accessory buildings shall comply with the provisions of Section 4.07 of the Ordinance

c. Supplementary Requirements

1. Driveways and Parking

i. Driveways shall comply with Section 4.21 of the Ordinance.

ii. Parking:

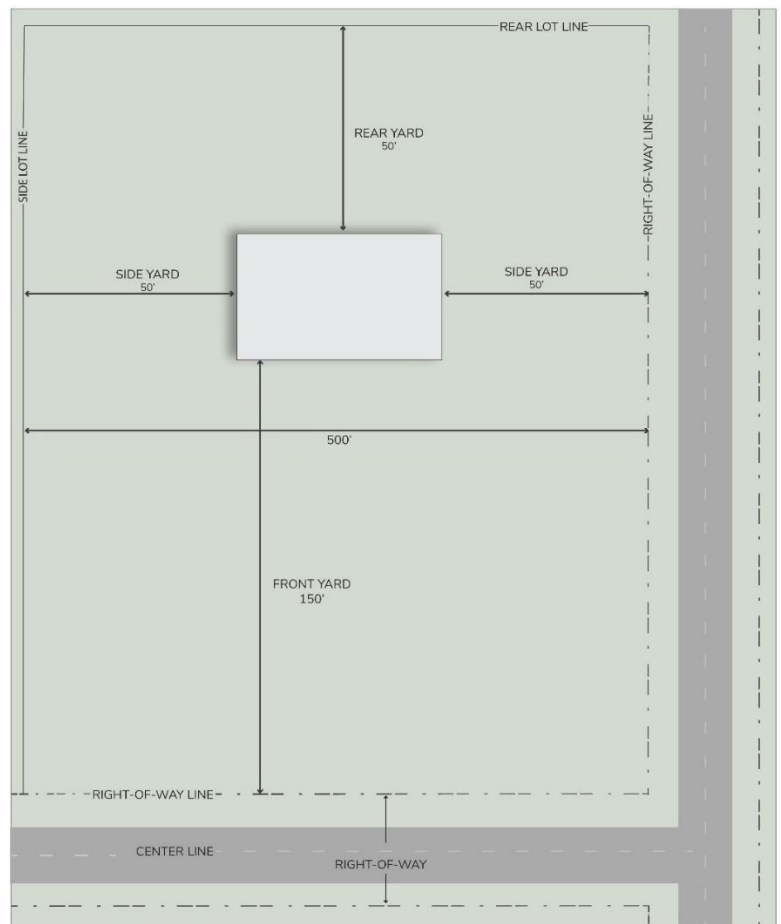
a. Off-street vehicle parking and loading space shall comply with the provisions of Section 4.16 of this Ordinance. However, vehicle parking shall be allowed only in side or rear yards of Industrial zoned property.

iii. Fire Lane:

a. A clear and unobstructed drive, at least 14 feet wide, for the access of fire-fighting equipment shall be kept open in side or rear yards.

2. Buffers:

i. Front yard: Front yards shall maintain a 35' landscape buffer extending from the nearest edge of the road right-of-way. Trees shall be planted at the innermost edge of the landscape buffer and spaced not less than three (3) not more than six (6) feet apart in a continuous line the entire length of the buffer. (Upon comparison of the applicant's site plan and elevations to the character of the neighboring architecture, uses, setback, etc., the Planning Commission may reduce or eliminate this requirement.)



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

3-21



SECTION 4.00 INTENT AND PURPOSE

- a. Intent: The intent of this Article is to establish general regulations and provisions that are applicable to all or some of the zoning districts herein.
- b. Scope of Ordinance: No land or structure shall hereafter be used, occupied, located, erected, altered or moved upon any premises unless it is in conformance with the provisions of this Ordinance, complies with the provisions and intent of the specific zoning district in which it is located, and the applicable zoning permit or building permit has been obtained. See Section 4.24 for legal nonconformities.
- c. Required Yards or Spaces: No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. No parcel may be divided in a manner which conflicts with the requirements set forth in the [Michigan Land Division Act](#), as amended.
- d. Certificate of Compliance: No building or land use permit shall be issued for the relocation and/or placement of any used site-built or manufactured (i.e. Mobile or modular) structure within the Village of Peck prior to issuance of "Certificate of Compliance." "Certificate of Compliance" shall be prepared and verified by the building official of the municipality where the structure or unit is located and be filed with the Village only after inspection of the site-built, mobile or modular structure to insure compliance with all federal, state and local building codes and ordinances.
- e. Land Use Limitations. No more than one use of a parcel of land and no more than one principal structure on a parcel of land shall be permitted.

SECTION 4.01 RESTORING UNSAFE BUILDINGS

- a. Unsafe Buildings: When any building or part thereof is declared unsafe by the Building Official, nothing in this Ordinance shall prevent compliance with lawful requirements or the strengthening or restoring of said building to a safe condition.
- b. Barrier-Free Modification: Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#).

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



SECTION 4.02 PROHIBITED DWELLINGS

- a. Unless otherwise allowed by this Ordinance, no building, other than the principal building or an Accessory Dwelling Unit (ADU), shall be used for residential purposes when in an area zoned for single-family residential. In areas that allow multi-dwelling unit housing, only buildings originally constructed for residential purposes shall be used as dwellings.
- b. The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of compliance has been issued. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

SECTION 4.03 ZONING LOTS

- a. New Lots to be Buildable: All newly divided lots shall have a buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops, and land encumbered by easements preventing the use of the land.
- b. Occupancy: No single-family detached residential structure shall be erected upon a lot with another single-family detached residential structure unless it is part of a multiple-family development or unless otherwise provided in this Ordinance.

SECTION 4.04 REQUIRED ACCESSIBILITY/STREET FRONTAGE

- a. Any parcel or lot that is to be occupied by a use or a structure shall have the minimum lot width as prescribed in the district where it is located and frontage on and direct access to a public or private street that meets one of the following conditions:
 - 1. A public road which has been, or shall be accepted for maintenance by the Village of Peck.
 - 2. A permanent easement of access, no less than 60 feet in width. The site containing the easement must maintain a setback from such easement equal to the front yard setback of the underlying zoning district measured to the principal structure.
- b. Single-family residential interior lots are permitted no more than one (1) ingress/egress access onto a public or private road. Single-family residential corner and through lots are permitted no more than two (2) ingress/egress access points onto a public or private road.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



- c. Non-residential lots may be permitted multiple access points via an approved site plan by the Planning Commission.

SECTION 4.05 BUILDING RESTRICTIONS

- a. All site-built and factory built residential structures (including modular and mobile homes) shall not be less than 18 feet in width at any point and shall have a minimum living area of at least 720 square feet. Mobile home expansions may include only completely enclosed additions. Stick built additions shall not be included as part of the minimum square footage for mobile homes.
- b. No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans unless it is connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction.
- c. Residential Structure (including site built and mobile homes) shall:
 - 1. Comply with construction and site plans and be installed pursuant to the manufacturer's setup instructions.
 - 2. Be supported by cement or aggregate perimeter foundation walls which are set on footings located below the frost line and shall not be back-filled until inspected and approved. The basement floor shall be finished with a concrete slab. Any space between the slab or foundation and the floor shall be completely enclosed.
 - 3. Be secured to the premises by an anchoring system or device compatible with those required by the applicable building code or the Michigan Mobile Home Commission standards.
 - 4. Have exterior walls finished with wood, aluminum or vinyl siding and/or brick facing. All siding must be placed in the same direction, except that minor variations for styling purposes may be approved by the Zoning Administrator.
 - 5. Comply with all roof snow load and strength requirements imposed by the building code or the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards and Michigan Residential Building Code.
 - 6. Have windows which shall meet construction and safety standards, and in particular, they shall be of the size, shape and type so as to comply with emergency exit requirements.
 - 7. No person shall occupy any residential structure as a dwelling until an occupancy permit or certificate is issued by the Building Official or Zoning Administrator.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-3



8. The placement, relocation, construction, reconstruction or alteration of two (2) or more separately manufactured mobile home units (i.e., which were not originally designed and manufactured as integral parts of a single prefabricated unit) is prohibited.

SECTION 4.06 SUBSTANDARD DWELLINGS

- a. For the express purpose of promoting the health, safety, morals, and general welfare of the inhabitants of the Village, and reducing hazards to health, life and property, no fixed or movable substandard building or structure shall hereafter be occupied or erected or moved upon any premises and used for dwelling purposes.

SECTION 4.07 ACCESSORY BUILDINGS AND STRUCTURES

- a. Accessory buildings and structures shall be subject to the standards of Table 4.1, below:

Table 4.1 Development Standards

SETBACKS	
Minimum Front Yard Setback	No closer to the front line of the principal building (prohibited in the front yard)
Minimum Side Yard Setback	5 ft, on each side
Minimum Rear Yard Setback	10 ft
Corner Lots	Shall be the same as the front yard setback for the principal building
Other Buildings and/or Structures	5 ft
AREA	
In the R, A-R, and MHS Districts	Shall not exceed more than 1,000 square feet in size.
BUILDING HEIGHT	
In the R, A-R, and MHS Districts	Shall not exceed a sidewall height of 16 feet or a peak height of twenty-four (24) feet.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



- b. Accessory Buildings Attached to the Principal Building: Accessory buildings/structures may be erected as a part of or connected to the principal building, but in either case shall be considered a part of the principal building. All yard requirements for a principal building shall be complied with.
- c. Accessory Dwelling Units (ADU): ADUs may be permitted by right within the R and A-R zoning districts, as identified in Section 3.02 and Section 3.03. An ADU is a small dwelling unit which is part of an existing one-family owner-occupied home. The ADU must be clearly secondary to the single-family home. ADUs shall comply with all of the following standards:
 - 1. Number Permitted: One ADU may be permitted per lot containing an existing detached single-family dwelling unit if the ADU complies with all of the requirements of this section.
 - 2. Minimum Lot Standards: ADUs may only be permitted on lots that meet the minimum lot area and width standards of the zoning district.
 - 3. Occupancy: No more than two adult persons may occupy an ADU. There is no limit on children under the age of 18 who are related by blood to or under the guardianship of an adult occupying the ADU.
 - 4. Owner-Occupancy Required on the Property:
 - i. Owner-Occupancy Required: Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the Village.
 - ii. Ownership of the ADU: Ownership of the ADU shall remain with the owner of the property, and shall only be rented to tenants. In no case may the owner of the property divide ownership rights between the principal and ADUs through condominium or other means.
 - iii. Annual Inspection: Conformance with the conditions of the ADU shall be certified yearly by the owner subject to inspection by the Village. Inspection shall be allowed by the owner after 48 hours notice by certified mail from the Village. The certification process shall be subject to an appropriate fee as determined by the Village Council.
 - 5. Floor Area: The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



6. Location: The ADU may be located within the single family structure, within an attached accessory structure, or in a detached accessory structure on the site. An ADU which is located within a detached accessory structure must conform to the setback regulations identified in Section 4.07(a).
7. Design Criteria:
 - i. Architectural Character. An ADU shall be designed to maintain the architectural character and appearance of the principal building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.
 - ii. Entrances. Entrances to ADUs, including exterior stairs leading to a second story entrance, are restricted to the side or rear façade of the principal building. This provision does not apply if the ADU's primary entrance is the same as the entrance to the principal residence.
 - iii. Orientation. The orientation of the ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU. Factors that should be considered include landscape screening, fencing, and window and door placement.
8. Parking: One off-street parking space shall be provided for the ADU in a driveway or in a rear or side yard on the lot. No parking space may be provided in the front yard except in paved driveways. Parking spaces are not subject to setback requirements.
- d. Accessory Building without a Principal Building:
 1. An accessory building/structure shall not be constructed on a lot without a principal building.
 2. A principal building must be substantially completed prior to commencement of construction of an accessory building/structure. A principal building/ structure is considered substantially completed following the approval of a backfill inspection for a conventionally framed structure and a post hole inspection for a pole-built structure.
- e. Nontraditional Storage Facilities: Shipping containers, truck bodies, school bus bodies, manufactured homes, travel trailers, or other items built and intended for other uses shall not be used as permanent accessory buildings/structures. Semi-trailers may be used as temporary storage for commercial and industrial uses for no more than six (6) consecutive months or ten (10) months out of any calendar year.
- f. Swimming Pools and Ponds:
 1. This section applies to all man-made ponds, in-ground pools and above-ground pools. A zoning permit shall be required for those utilizing electrical service or requiring more than three feet of excavation. Swimming pools and ponds shall be exempt from permit fees.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



2. Setback And Safety Provisions:
- i. All swimming pools and man-made ponds shall be located in the rear or side yard, not less than five (5) feet from the rear and side lot lines and other accessory buildings/structures.
 - ii. Swimming pools are to be fenced in accordance with the State Construction Code, as amended. Any required fencing pursuant to the State Construction Code shall also meet the standards and requirements under Section 4.07, herein.
 - iii. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool.
 - iv. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way, which has been granted for public utility use.
 - v. Seasonal swimming pools shall be removed by November 1st of each year.
- g. Permits: All accessory buildings/structures require a zoning permit.

SECTION 4.08 TEMPORARY BUILDINGS, STRUCTURES, AND USES

- a. Temporary Dwellings: No person may erect or occupy a temporary dwelling on any lot except as hereinafter provided:
- 1. The owner of any land in R, A-R, and MHS zoning districts may erect or move not more than one (1) temporary dwelling unit (including manufactured homes and recreational vehicles) upon the premises and occupy the same for dwelling purposes during the actual construction of the dwelling thereon for a period not to exceed six (6) months from date of issuance of a zoning permit. Application for a zoning permit for such use shall be made to the Zoning Administrator, granting of which shall be contingent, among other things, on compliance with the following conditions:
 - i. The location of the temporary dwelling unit on the premises shall be in conformity with the setback requirements of the Zoning District.
 - ii. The water, sewage, and waste disposal shall be approved by the District Health Department, installation and approval of which shall precede occupancy of the temporary dwelling.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



- iii. Temporary buildings used for dwelling purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work. Failure or refusal to remove a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator.
- iv. No additions shall be made to temporary dwellings.
- 2. The use of tents as a temporary dwelling, in connection with recreational activities may be permitted upon application to the Zoning Board of Appeals showing that the necessary and proper health, sanitation, plumbing and fresh water facilities are provided.
- 3. One travel trailer, or motor home at each dwelling brought by visitors for traveling purposes may be occupied and allowed 30 days if the visitors occupying said trailer use the sanitary facilities of the dwelling of the property owner or occupants there visiting or make other table provisions for sanitary facilities.
- b. Temporary Buildings/Structures for Construction Offices: Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein. Temporary buildings used for construction purposes shall be removed within 30 days after the completion or abandonment of the construction work.
- c. Dwelling as a Sales Office: The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision, provided all of the following requirements are complied with:
 - 1. The house to be used as such office is built upon a lot approved as part of the approved subdivision or development and is of substantially similar design as those houses to be sold within the subdivision or development.
 - 2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
 - 3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.
- d. Garage Sales: Property owners conducting garage sales on the premises shall obtain from the Village Clerk, at no charge, and conspicuously post, a maximum of three garage sale permits per year. Three or fewer consecutive days of sales on a single premises shall be considered one (1) garage sale.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-8



SECTION 4.09 STRUCTURES AND USES DECLARED A NUISANCE

It shall be unlawful to have, possess, or maintain junk or inoperable or abandoned motor vehicles on any property in the Village, unless otherwise permitted herein by special land use approval.

- a. Exposed storage or keeping or depositing on the premises any of the following shall be considered a nuisance:
 1. Lumber, junk, trash or debris;
 2. Highway vehicles (e.g. trucks, trailers, semi-tractors, automobiles and semi-trailers) unlicensed and unused, junked, dismantled or otherwise not in good and safe operating condition.
 3. Unused, nonfunctional or dismantled automobiles, trucks, other self-propelled vehicles, trailers, etc., for a period of thirty (30) days consecutively including automobiles, trailers, or other vehicles that do not bear current state registration shall be presumed to be unused.
 4. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers or other boxes with or without outside latches.
 5. All uncovered basements, abandoned wells, shafts or similar excavations.
 6. Accumulation of ashes, rubbish, litter, boxes, lumber, shavings, or straw so as to create, increase, or enhance danger of fire or accumulate in such a manner as to hinder or obstruct fire control operations.
 7. Creation or maintenance of any noxious odors, gases, noises, or smoke which exceeds the Performance Standards listed in this chapter.
 8. Causing changes (quantity, direction, quality) to the natural flow of surface water, increasing the depositing of surface water on adjacent premises, concentrating run-off from roofs, damming run-off, routinely pumping sub-surface water into surface run-off (e.g. open well heat sinks).
- b. Burial of Debris on Premises: Trash, debris, garbage, junk vehicles, equipment, etc., shall not be buried on premises other than those appropriately licensed and approved. Biodegradable material generated on an owner's agriculturally zoned premises may be disposed of thereon if such disposal complies with EGLE, DNR, EPA, Department of Agriculture, and County Health Department Regulations.
- c. Intended use: No nonfunctional, dismantled automobile, truck, van, trailer or other vehicle shall be used for purposes (housing livestock, storage, etc.) other than that originally intended (viz. transportation).
- d. Commercial Vehicle Idling: Within any residential zoning district, the owner/operator of a commercial vehicle shall not cause or allow such vehicle to idle for more than ten (10) minutes within any 60-minute period.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



4. Exceptions: A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode, or to maintain communications, and not solely for the convenience of the vehicle operator.
- e. Unsafe Structures: When a structure is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of the Civil Infraction Ordinance.
 1. Unsafe Structures: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
 2. Structure Unfit for Human Occupancy: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hard to the occupants of the structure or to the public.
 3. Unlawful Structure: An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
 4. Dangerous Structure or Premises: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
 - i. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
 - ii. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
 - iii. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



- iv. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of the original designed value.
 - v. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
 - vi. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
 - vii. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger or becomes a harbor for vagrants.
- f. Abatement:
- 1. Abatement of Nuisance by Owners, Exception: The owners, tenants, or occupants of any property upon which a nuisance is alleged, and also the owners, lessees, or users of any property declared to be a nuisance, shall jointly or severally abate said nuisance by the prompt removal of said offensive property or cessation of offensive activity. Licensed junkyards shall be exempt from this section.
 - 2. Abatement by Village: Whenever said owners, tenants, etc. fail to terminate such nuisance, the Village Council may schedule, post, and hold a hearing to have the offenders show cause why the Village should not take additional enforcement action, the expense of such meeting is to be billed of said owners, tenants, etc. jointly and severally. The expenses of abatement may be imposed against the property tax roll as a single lot special assessment.
 - 3. Costs of Abatement: When property has been removed and placed in storage by the Village, said property shall be sold after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the Village for the balance of the costs, jointly and severally. If the proceeds are in excess of costs, the balance shall be paid to the owners, or deposited to the Village treasury for the owners' use.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



SECTION 4.10 CONSTRUCTION DEBRIS

- a. All construction debris shall be removed from the site within 30 days after the completion or abandonment of the work. Failure or refusal to remove construction debris within 30 days after the completion or abandonment of work constitutes a violation of this Ordinance. A two (2) month extension may be granted by the Zoning Administrator.

SECTION 4.11 FENCES, WALLS AND SCREENS

- a. The provisions herein address screening and buffering of uses and structures from adjacent properties by use of landscaping, fencing and walls. Property owners may also voluntarily create screening and buffering from adjacent properties and uses for purposes of privacy and containment. Fences, walls and screens may be constructed up along a property line, however, it shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is required unless a waiver is granted by the Zoning Administrator. The Zoning Administrator shall issue survey waivers for fences based upon the ability of the property owner/contractor to accurately identify lot lines via the presence of survey markers, previous surveys of the property, etc. All fences, walls and screening shall meet the following general standards unless otherwise permitted herein:
1. In a residential district, a fence, wall, or other non-living screening structure is permitted in a front yard provided that it does not exceed three (3) feet in height. A fence, wall, or other non-living screening structure is permitted in a side or rear yard provided that it does not exceed six (6) feet in height.
 2. In a commercial district, a fence, wall, or other non-living screening structure is permitted in a front yard provided that it does not exceed six (6) feet in height. A fence, wall, or other non-living screening structure is permitted in a side or rear yard provided that it does not exceed eight (8) feet in height.
 3. In an industrial district, a fence, wall, or other non-living screening structure is permitted in a front, side and rear yard provided that it does not exceed 12 feet in height.
 4. Solid board fences shall be constructed with wood posts not less than a nominal size of four (4) inches by four (4) inches. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finish side of every fence shall face away from the property on which it is located.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

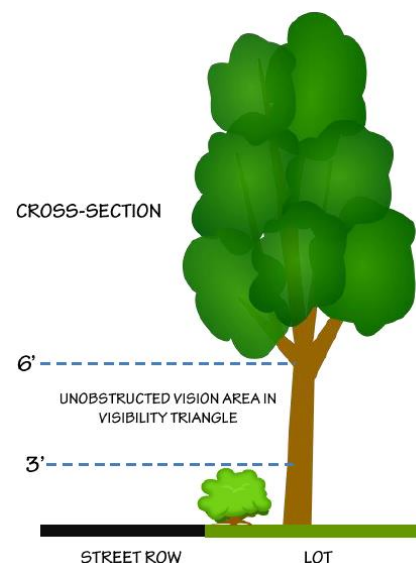
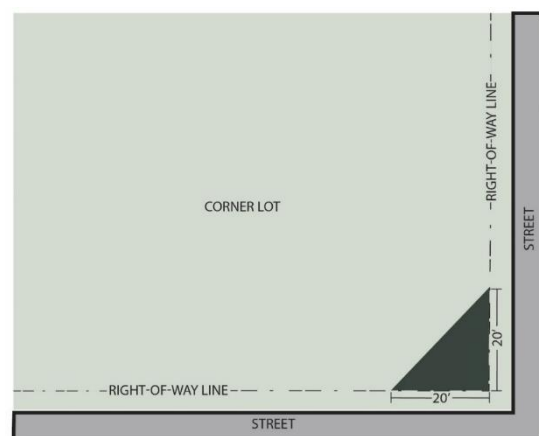
ARTICLE 10

ARTICLE 11

T.O.C.



5. Masonry walls shall be designed and constructed so as not to modify natural drainage in such a way as to impact drainage on adjacent property. The outer face of such wall (the face away from the use that is to be screened) to be covered with brick, stone, embossed or pierced concrete block, or other decorative masonry material.
6. Electrified or barbed wire, spikes, nails or other similar sharp protruding objects on top or on the sides of any fence, wall, or other non-living screening structure are prohibited unless otherwise prescribed herein. Such provision is not intended to prohibit traditional picket board fences. Barbed wire and barbed wire cradles may be placed on top of fences, walls, or other non-living screening structures enclosing public utility buildings, property located in an industrial district or structures as deemed necessary in the interests of public safety by the Planning Commission.
7. Acceptable permanent fencing material shall include wood, wood-like (plastic, vinyl, recycled material), masonry and chain link. Woven wire, chicken wire or wire mesh and other similar types of agricultural or gardening fencing types are only permitted by a zoning permit when located within the backyard.
8. No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by Emergency Services in case of fire to buildings and structures in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
9. Vision Clearance. No fence, wall, shrubbery, sign, or other privately-owned structure or planting shall obstruct vision between the height of three (3) feet and six (6) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines adjacent to a lot and 15 feet distant from their point of intersection. Driveways and alleys shall not be located within this intersection visibility triangle. If the road is an access drive, these dimensions shall be measured from the pavement edge.



ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



10. Concealment of Unsightly Ventures. Unsightly ventures, either for profit or non-profit, including landfills, junkyards, dumps and unsightly industrial shall be concealed from the view by either a thickly planted green strip 15 feet in width and not less than eight (8) feet in height or a solid fence eight (8) feet in height or a combination of both. If a fence, it shall be well maintained and properly painted with one color. Citation or order of noncompliance may be appealed to the Zoning Board of Appeals, which shall make a review and determination after a public hearing.
11. Maintenance. All fences, walls and screening shall be properly maintained and aesthetically pleasing. Painted fences and walls shall be kept free of chipping or peeling paint.

SECTION 4.12 HOME OCCUPATIONS

- a. A home occupation shall be permitted in all residential districts by zoning permit and shall be conducted entirely within the dwelling, as defined herein. Home occupations shall satisfy the following conditions:
1. Nuisance: No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the confines of the dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 2. Employees: Only the resident occupants shall be employed as primary providers of the services offered on the premises. Non-resident support employees and parking therefore may be authorized by the Board of Appeals as a variance.
 3. Portion of Dwelling Used: The use shall occupy no more than twenty-five percent (25%) of the total floor area of the dwelling and shall be situated entirely within the dwelling on the premises. In no event shall the occupation reduce the actual living space below that established as the current minimum requirement in the district involved.
 4. Parking: Sufficient off-street parking shall be provided, which, in no event, shall be less than the parking prescribed in Section 4.15 (i.e. two (2) spaces for each dwelling unit plus two additional spaces).
 5. Signs: Not more than one name plate, not exceeding eight (8) square feet in area and containing only the name of the person and the service provided, may be exhibited. In no event shall such signs be illuminated.
 6. Displays: Limited retail sales may be permitted on the premises, as an incidental, rather than principal activity of a home occupation. No advertising of the retail sale of foods or services produced or sold on the premises is permitted in newspaper, radio, television or other media.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



7. Appearance: The appearance of the premises shall be aesthetically compatible with the neighborhood, conforming as closely as possible to a residential use (e.g. lawns, shrubbery, trees, backyards, etc.).
8. Equipment: There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature, such as automobile repair, engine repair, machining, fabrication or similar and like processes.
9. Hours of Operation: Visits by customers associated with a home occupation shall be limited to the hours of 8:00 A.M. to 8:00 P.M.

SECTION 4.13 MOBILE HOMES

- a. Mobile homes shall not be erected, placed, moved or otherwise located in any district other than Mobile Home Subdivision or Park (MHS).
 1. Mobile homes located outside of mobile home parks or seasonal mobile home parks shall comply with all standards enumerated herein to ensure that such mobile homes compare aesthetically to site-built housing located or allowed in the same residential zone.
 2. Every mobile home hereafter located in the municipality shall conform to, or exceed, current standards promulgated by the Federal Department of Housing and Urban Development (HUD) pursuant to the [National Manufactured Housing Construction and Safety Standards Act \(NMHCSS\)](#).
 3. The owner (or installer, if other than the owner) of a mobile or modular home shall provide the municipality with a copy of the manufacturer's recommended setup and installation specifications as a condition for the issuance of a zoning permit. Alternatively, the installer may post a bond (in an amount set by the [Village fee schedule](#)) and install in compliance with rules promulgated under the NMHCSS Act.

SECTION 4.14 MIXED-USE DEVELOPMENT

- a. Intent: It is the intent and purpose of this section to establish standards for the mixed-use of property in the commercial district of the Village to permit residential opportunities in conjunction with non-residential operations, such as retail and office. Such residential opportunities, include apartments, studios, lofts and condominium units and other similar dwelling units on the second floor of structures having first-floor non-residential use. Subject to the following requirements and

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



conditions, Mixed-Use Development shall be permitted in the (C) zoning district by-right if the following standards are met.

- b. Dimensional Requirements: Dwelling units shall meet all applicable floor areas as outlined in Section 3.3 but shall be exempt from lot area requirements and separation distances outlined in Section 3.3.
- c. Performance Standards
 - 1. Principal ingress and egress to dwelling units shall be exclusive from primary ingress and egress to non-residential use occupying the same building.
 - 2. Dwelling units shall not occupy a structure, or be accessible from another structure, that contains an adult use as regulated herein.
 - 3. Each dwelling unit shall have an appropriate amount of allocated off-street parking spaces or on-street parking available to reasonably accommodate the residential use.

SECTION 4.15 DRIVE-INS

- a. Developments of drive-in nature, such as drive-in banks, restaurants, service-stations, and theaters shall be so located that entrance and exit drives shall be a minimum of 100 feet from any intersection. Paved off-street waiting space shall be provided, so that no vehicles will be waiting on the public thoroughfare to gain entry to the premises.

SECTION 4.16 PARKING and LOADING

- a. General Requirements:
 - 1. For each dwelling, business, commercial, industrial or similar building hereafter erected or altered, and located adjacent to a public highway in the Village and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general adequate for the parking, loading and unloading of vehicles in proportions no less than shown on Table 4.2.
 - 2. Such space shall be provided with safe exit to and entrance from the public thoroughfare.
 - 3. Such exit and entrance may be combined or provided separately.
 - 4. Approval of the location of such exit and entrance shall be obtained in writing from the County Road Commission, the Michigan Department of Transportation (MDOT), and/or the Village

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-16



Department of Public Works, which approval shall include the design and construction thereof in the interest of safety, adequate drainage and other public requirements.

5. A minimum of two hundred (200) square feet, ten (10) feet in width by twenty (20) feet in length, exclusive of drives, entrances and exits, shall compromise one (1) automobile parking space.
 6. Commercial, Agricultural-Residential and Industrial uses shall provide adequate space in the off-street parking area for turning a vehicle so that a vehicle may maneuver in a forward manner to re-enter a public highway.
 7. Perimeter Barrier Required. There shall be a curb or wheel stop provided along the perimeter of a parking lot. The curb or wheel stop shall be at least six inches in height and designed to prevent any portion of a vehicle from encroaching upon a sidewalk, right-of-way, landscaped area, or adjoining property. Curbs shall be continuous except as part of an overall stormwater management design incorporating bioswales and/or rain gardens.
 8. Consolidated Landscape Areas. Parking spaces and rows shall be organized to provide consolidated landscape areas and opportunities for on-site stormwater management. The use of bioswales and/or rain gardens is encouraged.
 9. The Planning Commission may, upon request, reduce or waive the number of required off-street parking spaces based upon the characteristics of the use.
- b. Parking Lots in Residential Districts:
1. The Planning Commission may, when there is a demonstrated need, temporarily or permanently permit the use of land in a Residential District for a parking lot serving an institutional use where the following conditions are met:
 - i. The residential zoned land abuts or is across the street from the use it intends to serve.
 - ii. The lot is to be used only for parking of passenger automobiles of employees, customers, or guests of the person or firm controlling and operating the lot, who shall be responsible for its maintenance.
 - iii. No charge is to be made for parking in the lot.
 - iv. The lot is not to be used for sales, repair, work, or servicing of any kind.
 - v. Entrance to and exit from the lot are to be located so as to do the least harm to the residential district.
 - vi. No advertising sign or material is to be located on the lot.
 - vii. All parking is to comply with the setbacks of the underlying zoning district.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-17



- viii. The parking lot and that portion of the driveway behind the building/setback line (whichever is closest to the street) is to be adequately screened from the street and from adjoining property in a residence district by a hedge, fence or wall not less than four (4) feet high and not more than eight (8) feet high located back of the setback building line.
 - ix. All lighting is to be arranged so that there will be no glare to the occupants of an adjoining property in a residence district, and the surface of the parking lot is to be smoothly graded, hard surfaced and adequately drained.
 - x. Any other conditions deemed necessary by the Planning Commission to protect the character of the residential district.
2. Bicycle Parking Substitution: In off-street parking areas with twenty-five (25) or more automobile parking spaces, bicycle parking spaces may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of five (5) automobile spaces replaced with bicycle parking.
- c. Electric Vehicle Parking: In off-street parking areas with twenty-five (25) or more automobile parking spaces, electric vehicle parking spaces may be installed to reduce the required number of traditional automobile parking spaces. For every electric vehicle charging station installed in an off-street parking area, the development may reduce the number of required parking spaces by two.
- d. Parking in the Commercial (C) District: If public parking is provided within 800 feet of a property located within the C District, that property may be reduced by one (1) parking space for each provided public parking space up to 50% of the total minimum parking requirement for the subject property. Such a reduction may be approved administratively if the public parking is constructed subsequent to site plan approval for the subject property.

.Parking of Certain Vehicles on Property

1. The owner of a parcel of land may park or store a recreational unit upon residential premises if such RV is titled to the landowner.
2. A recreational unit that is parked or stored by the owner thereof on a parcel of land or premises owned or occupied by the same owner, shall not be occupied as a dwelling while so parked or stored for more than 30 days in a 120 day period.
3. A recreational unit that is not owned by the owner of the parcel of land shall not be parked, stored or occupied upon said parcel of land or premises for more than 30 days in any 120 day period.
4. All commercial trailers that are required to be hauled by a Class A or Class B vehicle as established by definition must park the trailer in the area designated for such parking in the Village of Peck or other legal agricultural or commercial district in or out of the Village of Peck.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



5. Parking of any commercial vehicle that is equipped with and utilizing refrigeration equipment as provided by definition is prohibited within the Village limits.
 6. Parking of any commercial vehicles in the residential areas shall be limited to the use of the residents of these homes only.
 7. Boats, ATVs, and RVs must be stored or parked off-street.
 8. Commercial vehicles may be parked on residential lots when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.
 9. Commercial vehicles that are considered Class A or Class B must not be located in the front yard, street side yard or road right-of-way of a residence, or any further forward than the front of the residence at any time.
 10. Commercial vehicles that are considered Class C excluding pickup truck and passenger vehicles must not be parked within the Village right-of-way at any time.
- e. Off Street Loading:
1. On the same premises with every building devoted to retail trade, retail, and wholesale food markets, warehouses, supply houses, wholesale or manufacturing trade, hotels, hospitals, laundry, dry cleaning establishments or other buildings where goods are received or shipped, erected in any district after the date of adoption of this Ordinance loading and unloading space shall be provided as follows:
 - i. Such businesses shall provide not less than 500 square feet, ten (10) feet in width by fifty (50) feet in length, of off-street loading space for the first 750 square feet of usable floor area, plus one additional off-street loading and unloading space for each additional one-thousand (1,000) square feet (or portion thereof) of usable floor area.
 - ii. The Planning Commission may, upon request, reduce or waive the number of required off-street loading spaces based upon the characteristics of the use.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-19



Table 4.2 – Off-Street Parking Requirements

LAND USE	REQUIRED PARKING SPACES
Dwelling	2 per dwelling unit
Church or Auditorium	1 per 4 seats or per every 6 feet of pews
Home Occupations	2 in addition to 2 for each dwelling unit
Retail Stores & Similar Commercial Enterprises	1 per 100 sq ft of floor area
Rooming, Boarding, or Lodging Homes	1 per 200 sq ft of floor area
Hotels & Motels	2 per dwelling unit plus 1 for each room
Restaurants	1 per sq ft of floor
Offices & Clinics	1 per employee plus 1 per 100 sq ft of usable floor space
Public Utility Buildings	1 per employee or 200 sq ft of usable floor space, whichever is greater
Schools	1 per 2 employees plus 1 per 10 students over 16 years of age
Theatres	1 per 3 seats
Private Parks, Museums and Recreation Area	1 per 25 potential users according to design capacity
Homes for the Elderly, Adult Foster Care, etc.	1 per employee and 1 for every 2 occupants
Convalescent Homes, Sanitariums or Hospitals	1 per bed
Dance Halls	1 per 36 feet of dance floor
Filling Stations, Auto Repair Shops & Other Service Establishments	1 per 2 employees plus 2 per work bay
Manufacturing Establishments	1 per each employee

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-20



SECTION 4.17 PERFORMANCE STANDARDS

- a. The following performance standards are established in order to preserve the environmental health, safety and welfare of the Village. No activity, operation or use of land, building or equipment shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely affects the surrounding area.

Before the issuance of any building or occupancy permit, the applicant shall execute an agreement, in a form satisfactory to the Village, stating that the use of the property will meet the following performance standards and that any violation of these standards in subsequent operations will be corrected. The costs of inspection by experts to determine compliance shall be borne by the applicant.

The following standards are deemed the minimum requirements to be maintained.

1. Airborne Emissions: It shall be unlawful for any person, firm, or corporation to emit or create any smoke or air contaminant in violation of applicable air quality standards adopted by the Federal Clean Air Act and the Michigan Department of Environmental Quality.
2. Odor: Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.
3. Gases: The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive is prohibited.
4. Lighting: Exterior and/or interior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged to reflect light away from any residential use and contained on site.
5. Noise: Emitted noise shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming screeching, etc.) or shrillness. Sirens, bells, whistles, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, police, civil warning alarms) shall be excluded from this regulation. The intensity level of sounds shall not exceed the decibel levels on land adjacent to the uses described on Table 4.3.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



6. Vibration: No operation shall cause a seismographic displacement exceeding of one inch measured at the property line.
7. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference: No use shall create any electrical disturbance that adversely affects any operations of equipment other than those of the creator of such disturbance, or cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
8. Hazardous Substances: Any person, firm, corporation or other legal entity operating a business of conducting an activity that uses, stores, or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate Federal, State or local authority having jurisdiction. The Village shall be informed of any and all inspections conducted by a Federal, State or local authority in connection with a permit and/or license.
Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file a hazardous materials survey upon the occurrence of the following events:
 - i. Upon submission of a site plan.
 - ii. Upon any change of use or occupancy of a structure or premise.
 - iii. Upon any change of the manner in which such substances are used, handled, stored, and/or in the event of a change in the type of substances to be used, handled or stored.
9. Glare: Glare from any process, such as or similar to arc welding or acetylene torch cutting, which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.
10. Fire and Explosive Hazards: The storage and handling of flammable liquids, liquified petroleum gases and explosives shall comply with the state rules and regulations as established by [Public Act No. 207 of 1941](#).
11. Radioactive Materials: Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



12. Drainage and Erosion: Plans for management of surface water shall be reviewed, evaluated and approved by the Zoning Administrator and the County Soil Erosion Inspector. No use or alteration of land may result in the increase or diversion of surface water to adjacent property.
13. Traffic: Traffic access and control patterns and devices shall be reviewed, evaluated and approved by the State or County Road Engineer and the Village DPW.
14. Water Use: Water supply and consumption and wastewater pollution shall be evaluated.
15. Outdoor Storage or Display Areas: Such areas shall be screened on all sides by an obscuring fence or wall of approved design and construction details of which shall be submitted with the Site Plan. Areas used for outdoor storage or display shall be paved with either asphalt or concrete.

Table 4.3 – Noise Restrictions

DECIBEL LEVEL	ADJACENT USE	MEASURING SITE
40	Residential District (10 PM to 8AM)	Common Lot Line
55	Residential District (8AM to 10PM)	Common Lot Line
65	Commercial District	Common Lot Line
70	Industrial District	Common Lot Line

SECTION 4.18 ESSENTIAL SERVICES

- a. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare, shall be permitted in every zoning district as authorized and regulated by other laws and ordinances. It is the intention to exempt such structures, systems and facilities from the application of this ordinance, provided, that such exemption shall not include buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



SECTION 4.19 SIGNS

- a. The use and erection of all signs shall be subject to the following provisions:
1. Intent and Purpose: It is the purpose and intent of the sign ordinance; to protect and further the health, safety and welfare of the residents of the Village, to promote traffic safety, to provide safer conditions for pedestrians, to provide an esthetically pleasing environment, to promote economic development by regulating the construction, alteration, repair, size, location, and number of signs within the Village, and to allow businesses within the Village an adequate mode of advertising.
 2. General Provisions:
 - i. Flashing, rotating, animated, intermittent, glaring and oscillating signs; the location of any sign hazardous to traffic; and the placement of signs within 150 feet of each other are prohibited.
 - ii. Signs that are in need of repair, other than normal maintenance; not securely affixed to a substantial structure; obsolete; affixed to trees, rocks or other natural features; resemble official traffic signs; or obstruct official signs are prohibited.
 - iii. No sign existing prior to the adoption of this Ordinance, which does not conform to the provisions of this section, shall be reestablished after the activity, business or usage to which it relates has been discontinued for a period of 90 days or longer.
 - iv. No sign other than traffic or regulatory sign shall be erected in a street or road right-of-way.
 - v. No sign shall be erected in such a manner that the position, size, movement, or shape may interfere with the view of, or be confused with, any public traffic sign or device.
 - vi. Sign illumination shall not cause a reflection or glare on any portion of a public highway or road, in the path of oncoming vehicles or on adjacent premises. Signs attached to a building shall project not more than ten (10) feet from the wall of the building nor exceed the height limitation of buildings in that district.
 3. Temporary Signs:
 - i. During the period of construction, not more than one (1) shall be allowed not to exceed thirty-two (32) square feet in total surface area and shall be located on the premises being utilized for construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



- ii. When a new business opens, one (1) additional sign up to 32 square feet in total surface area is allowed for up to three (3) months. The sign shall not be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall not be of greater height than five (5) feet above the ground. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six (6) months.
- 5. Portable Sign:
 - i. Portable signs not exceeding 32 square feet in area for each face of such sign shall be allowed and shall be permitted as temporary signs for periods not to exceed seven (7) consecutive days in a 28 day period on any one (1) lot and not to exceed 28 days in any one (1) year. In no instance shall such signs be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle driver.
 - ii. Connections to an energy source for lighting shall be in accord with all codes of the Village and shall not be exposed in any way that may constitute a safety hazard to the public. This provision shall apply to existing portable signs and to new portable signs.
- 6. Signs During Election Period: Signs up to 32 square feet in size may be displayed 60 days prior to an election. Such sign shall be removed within ten (10) days after the election.
- 7. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the Village Council and County Road Commission.
- 8. Temporary signs shall be removed promptly at the end of the display period provided for above.
- 9. Temporary signs found by the Zoning Administrator to be in a torn, damaged, or unsafe condition must be removed by the owner within three (3) days after his receipt of notice to do so from the Zoning Administrator.
- 10. Off-premise signs and billboards regulated by the Michigan Department of Transportation under the [Highway Advertising Act, P.A. 106 of 1972](#).
- 11. Signs erected or maintained in violation of this Ordinance shall be removed.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-25



- b. Limitations by District. The use of signs shall be limited in the respective districts to the following, as represented in Table 4.4 below:

Table 4.4 Permitted Signs

ZONING DISTRICT	SIGN TYPE	NUMBER OF PERMITTED SIGNS	SIZE - IN SQUARE FEET	MINIMUM SETBACK
A-R, R, & MHS	Wall Sign	1	8	N/A
A-R, R, & MHS	Free Standing	1 (2 permitted if a corner lot)	4	5' from front lot line
C & I	Directional/ Traffic/ Municipal	Unlimited*	N/A	None
C & I	On-Premise	2 per principal use	35 per sign (70 total)	10' from front lot line
C & I	Real Estate	1 per premises or building (2 permitted if site fronts 2 streets)	16	15' from front lot line.
C & I	Off-Premise	1	64	None.
*Traffic, Directional, or Municipal signs must conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.				

- c. Substitution: The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial copy in lieu of other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.
- d. Severability: If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



SECTION 4.20 LANDSCAPING AND SCREENING

- a. Purpose: The purpose of these regulations are to provide a flexible method of protecting the various uses permitted in the Village of Peck Zoning Ordinance from adverse impacts associated with adjacent uses.
- b. Landscaping Plan: A detailed landscaping plan shall be required to be submitted as part of a site plan submitted for site plan, special land use, or plat approval or as a separate plan depending on the situation and the petitioned development. Whether separate, or part of other site plan drawings, the landscape plan shall include, but not necessarily be limited to, the following:
 - 1. Location, spacing, size, and common name for each plant type proposed for use within the required landscape area.
 - 2. The landscape plan shall be presented in an appropriate scale depending on the size of the proposed development and given what is deemed adequate to convey important information.
 - 3. On parcels of more than one (1) acre, existing and proposed contours on-site and twenty (20) feet beyond the site boundary at intervals not to exceed two (2) feet.
 - 4. Typical cross-sections including slope, height, and width of berms exceeding three (3) feet in height, type of ground cover, or height and type of construction of walls.
 - 5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
 - 6. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
 - 7. Identification of existing trees and vegetative cover to be preserved.
 - 8. Identification of grass and other ground cover and method of planting.
 - 9. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance at the next available planting season.
- c. Landscaping Standards: All landscaping shall be installed in a manner consistent with accepted planting procedures and the approved landscaping plan, including quantity, size, type and location of plantings proposed.
 - 1. Minor deviations from the approved landscaping plan may be permitted by the Zoning Administrator upon determination that the deviation does not substantially impact the overall concept of the landscape plan and the intended development.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



2. If the deviation is determined to be major, the landscaping plan shall be reviewed in its entirety via the approval process permitting the intended use.
3. At least 75 percent of required trees shall be native to Lower Michigan. At least 30 percent of all other required landscape material shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following resources:
 - i. www.nativeplants.msu.edu
 - ii. www.plant.native.org
 - iii. www.wildflower.org/collections/Michigan
4. Minimum sizes of plant material shall be in accordance with the following:
 - i. Standard deciduous trees shall have a minimum caliper of two (2) inches four (4) feet from ground level at the time of planting, unless otherwise provided by this Ordinance.
 - ii. Small deciduous ornamental trees shall be a minimum of five (5) feet in height from ground level at the time of planting.
 - iii. Coniferous trees shall be a minimum of five (5) feet in height from ground level at time of planting.
 - iv. Shrubs shall be a minimum of two (2) feet in height from ground level at the time of planting or two (2) feet in spread if plants are low spreading evergreens.
 - v. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season and may be used in conjunction with fences, screens, or walls to meet opacity requirements.
5. In consideration of existing plant material that is to be retained as part of a development proposal, the following shall apply:
 - i. Existing plant material that is determined to remain on site to meet minimum landscaping requirements of this Ordinance or required to be retained on site via site plan or special land use approval to protect and preserve natural features, is to be protected by placing fences or barriers around the perimeter of the existing plant material during construction.
 - ii. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be retained. Other protective techniques may be used provided such techniques are approved by the appropriate body granting approval for the development.
6. Lawn as ground cover shall be planted in species of grass normally grown as permanent lawns in the region. Lawn may be implemented as sod or seeded and mulched. Ground cover types in lieu of lawn in whole or part shall be implemented in such a manner as to present a finished appearance and reasonably complete after one complete growing season.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



d. Specified Landscaping Areas

1. Screening Between Conflicting Land Uses:

- i. Between a residential land use and a non-residential or higher-intensity residential land use, whether it be planned, zoned or utilized, and between an industrial zoning district and any other zoning district, there shall be provided and maintained one (1) of the following:
 - a. An obscuring wall, screening fence or landscape barrier having a minimum height of five (5) feet unless a greater height is specified elsewhere in this Ordinance due to the specific nature of the use.
 - b. A landscape buffer at least 35 feet in width consisting of earthen berms and/or living materials so as to substantially screen the uses from each other. Trees shall be planted at the innermost edge of the landscape buffer and spaced not less than three (3) and not more than six (6) feet apart in a continuous line the entire length of the buffer. Trees and other plantings shall meet the standards outlined in Section 4.20(C).

2. Parking Lot Landscaping: Landscaping shall be located within parking lots to improve the appearance and screen lot edges, reinforce circulation routes, define pleasing pedestrian routes through the parking lot, and maximize shade and stormwater benefits. All off-street parking areas shall include internal landscaping as follows:

- i. Landscaping Ratio: Off-street parking areas containing greater than ten (10) spaces shall incorporate at least 30 square feet of interior landscaping per parking space.
- ii. Interior parking lot landscaping shall include the following:
 - a. Internal islands and medians.
 - b. Landscaped areas surrounded on three (3) sides by a parking area (i.e., peninsulas or fingers).
 - c. Landscaped areas at the corners of a parking area and bordered by parking on at least two (2) sides.

3. Site Landscaping:

- i. In addition to any landscaping required by this section, twenty (20) percent of the site area, excluding existing right-of-way, shall be landscaped.
- ii. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area not to exceed five (5) percent of the site area.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



e. Modifications:

1. The Planning Commission may reduce or modify the foregoing requirements where cause can be shown that no good purpose would be served and that the modification would neither be injurious to the surrounding neighborhood now or in the reasonably anticipated future, nor contrary to the spirit and purpose of this section.
2. In situations where landscaping requirements are being considered for property where the adjacent property is vacant, the Planning Commission may also defer landscaping until such time adjacent property is petitioned for develop. In such a situation, the applicant shall demonstrate the ability to meet the landscaping requirements outlined herein.

SECTION 4.21 DRIVEWAYS

a. All driveways shall meet the following development standards:

1. Within the Residential (R) District, Agricultural Residential (AR) District, Manufactured Home Subdivision or Land Lease Community (MHS), and the Commercial (C) District driveways shall be not less than ten (10) feet wide and at least two (2) feet from the lot line. No driveway common to two principal uses shall be permitted unless an easement providing for same is recorded with the Sanilac County Register of Deeds.
2. Within the Industrial (I) District driveways shall not be less than 14 feet wide and located at least two (2) feet from side lot lines. No driveway common to two principal uses shall be permitted unless approved by the Planning Commission and an easement providing for same is recorded with the Sanilac County Register of Deeds.

SECTION 4.22 TRANSITION ZONING

- a. Lots In Two Districts: Where a district boundary line as established in this Ordinance or as shown on the Zoning Map divides a lot, which was in single ownership and of record at the time of this Ordinance, the use thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within ten (10) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-30



- b. Lots in Commercial or Industrial Districts Adjacent to a Residential Zone: Where a lot in a commercial or industrial district abuts a lot in a residential district there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- c. Front Yard Transition: Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be equal to the required depth of the residential district.
- d. Corner Lot Transition: On every corner lot in residential subdivisions created after the enactment of this Ordinance, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street.
- e. Garage Entrances: No public or private garage for more than five motor vehicles shall have an entrance or exit for motor vehicles within forty (40) feet of a residential district.
- f. Parking Lots and Driveways Abutting Residential Zones: Whenever a parking lot or a driveway to a parking lot is hereafter established in other than a residential district so as to abut the side or rear line of a lot in a residential district a solid masonry wall, or a substantial view obstructing fence not less than three (3) feet high and not more than eight (8) feet high shall be constructed and maintained along said side or rear lot line up to, but not beyond, the setback building line. In addition, in all use districts, the lighting, including any permitted illuminated sign, on any parking lot or driveway shall be arranged so that there will be no annoying glare directed or reflected toward residence buildings or residence districts.

SECTION 4.23 WEEDS

- a. Unsightly Vegetation: For purpose of this ordinance, grass alone, or grass and weeds growing longer than six (6) inches on lots zoned Residential, Commercial, or Industrial shall constitute unsightly vegetation.
- b. Location of Noxious Weeds and Unsightly Vegetation: This section shall apply to and cover noxious weeds found growing within a distance of 135 feet from the right-of-way in all Residential, Commercial, and Industrial zoned properties and uncultivated Agricultural lands.
- c. Requirements For Cutting: On all Residential, Commercial, and Industrial property and also on uncultivated Agriculture land, weeds shall be cut for a distance of 135 feet from the road right-of-way at least once each month beginning on or about April 1 and through October 1 each and every year unless require more frequently if growth exceeds six (6) inches in height.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-31



- d. Unlawful to Permit Noxious Weeds and Unsightly Vegetation Presence thereof a Public Nuisance: It shall be unlawful for the owner, agent, or occupant of any lot in any subdivision of the Village where buildings have been erected to cause, or permit to grow, any noxious weeds or unsightly vegetation on said lot. The presence of such weeds upon such lot is hereby deemed to be detrimental to the public health, safety, and welfare and shall constitute a public nuisance.
- e. Failure or Refusal of Owner, etc. to Comply, Action by Village, Expenses Charged to Owner, Collection:
 - 1. Entry Permitted: In the event the owner, agent, or occupant of any parcel of property or of any lot of any subdivision of the Village to which this section applies, before the 1st of April through the 1st of October each and every year, than an officer, inspector, or other agent authorized by the governing body of the Village, may enter upon such lot, or lots, and cut and destroy any and all noxious weeds located thereon. In the discretion of the officer, inspector, or other agent authorized by the Village, hand and/or mechanical means may be used, and due care shall be taken to avoid unnecessary damage to the lot.
 - 2. Owner or Agent and/or Occupant Liable: The owner, agent, or occupant of such lot or lots shall be liable for all costs incurred by the Village in connection with such cutting and destruction, with a minimum cost, or charge per lot as set annually by the Village Council. Payment of said cost or charge shall be deemed delinquent and enforceable against the property as a single lot special assessment as a tax lien, as provided by law, against the lot or lots involved.
- f. Appointment Of Agent: The Zoning Administrator is hereby appointed as agent responsible for the enforcement of the provisions this section.
- g. Enforcement Of Municipal Civil Infractions: Any person, firm, or corporation violating any of the provisions of this Ordinance shall be responsible for a first degree civil infraction unless otherwise specified. Each day during or when a violation occurs or continues shall constitute a separate offense under this Ordinance subjecting the responsible party to penalties as set forth in the Village of Peck Civil Infraction Ordinance.

SECTION 4.24 NON-CONFORMING USES AND STRUCTURES

- a. Prior Uses Permitted ("Grandfather Clause"): Where there exists within the districts established by this Ordinance and subsequent amendments, uses of land or structures that do not conform to the district uses and regulations, then such uses may be permitted to continue but will not be permitted to expand or enlarge.
- b. Fifty Percent Reconstruction Prohibited: Ordinary maintenance and repair will be permitted, but rebuilding, expansion or reconstruction of a structure that has been damaged, destroyed or deteriorated by any cause by 50 percent or more of its previous value is prohibited.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



- c. One Hundred and Eighty Day Discontinuance: If the non-conforming use of any land or structure is discontinued for any reason, for a period of 180 days or longer, then, any further use of such land or structure shall be in conformance with the regulations applicable to the zoning district within which such structure and/ or land is located.
- d. Expansion of a Legal Non-Conforming Use and/or Structure:
 - 1. Nonconforming buildings or structures may be structurally changed, altered, or enlarged with the approval of the Planning Commission when it is found that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Planning Commission that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the hardship.
 - 2. Approval of an expansion of a nonconforming use or structure does not relieve the petitioner of the responsibility of meeting other provisions of the Ordinance. The intended development must be reviewed and approved by the appropriate authority prior to issuance of a zoning permit and a building permit.

SECTION 4.25 SOLAR ENERGY SYSTEMS

- a. Rooftop Solar Energy Systems: Rooftop and building mounted solar energy systems are permitted in all zoning districts, as an accessory structure, subject to the following regulations:
 - 1. Roof mounted systems shall not extend more than four (4) feet above the surface to which it is affixed.
 - 2. No solar energy system may protrude beyond the edge of the roof.
 - 3. A building permit shall be required for installation of rooftop and building mounted systems.
- b. Ground Mounted Solar Energy Systems: Ground mounted and freestanding solar energy systems are permitted in all zoning districts, as an accessory structure, subject to the following regulations:
 - 1. Location. The solar energy system shall meet the required front yard setback requirement for the district in which it is located, and be set back a minimum of five (5) feet from any side or rear property line.
 - 2. Height:
 - i. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



4. Height in Front Yard: If the solar energy system is located in the front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches (3.5 feet). Evergreen landscaping that is sufficient to buffer the equipment from view from nearby dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.
5. Building Permit: A building permit shall be required for any ground mounted solar energy system.
6. Area: No more than 20% of the total lot area may be covered by a ground mounted solar energy system.
 - i. Batteries: When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
 - ii. Removal: If a solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12 month period.

SECTION 4.26 SECTION AND QUARTER SECTION LINES

- a. Unless otherwise platted, no building shall be erected within 33 feet plus the designated setback distance of any section or quarter section line, it being the intent of this section to keep 66 feet clear for future road purposes unless otherwise platted.

SECTION 4.27 WATER SUPPLY AND SEWAGE DISPOSAL

- a. A Land Use permit shall be contingent upon the approval of the water supply and sewage disposal systems by Sanilac County Department of Health, the Village DPW and other appropriate official governmental authority.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

4-34



SECTION 4.28 STREETS AND SIDEWALKS

- a. All street hereafter developed or built, prior to dedication and acceptance by the Village, shall meet the following development standards:
 - 1. Top soil removed;
 - 2. Six inches (6") of sand;
 - 3. Six inches (6") of gravel (22A standard spec.) or three inches (3") of asphalt;
 - 4. Twenty-four feet (24') wide;
 - 5. Right-of-way sixty-six feet (66')
- b. When a driveway is proposed to cross a sidewalk, the following development standards shall apply:
 - 1. Sidewalks shall be composed of a minimum of six inches (6") of concrete where a residential driveway crosses the sidewalk space.
 - 2. Sidewalks shall be composed of a minimum of eight inches (8") of concrete where a commercial driveway crosses the sidewalk space.

SECTION 4.29 DRAINAGE

- a. Every property owner in the Village shall provide adequate means for the conveyance and drainage of surface water along the street or road in front of his/her property. No land or structures may be erected or altered in such a fashion as to increase the deposit of surface water on neighboring properties.

SECTION 4.30 CONFLICTING REGULATIONS

- a. Whenever any provisions of this Ordinance impose more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. Procedural and jurisdictional requirements of the [Michigan Zoning Enabling Act, PA 110 of 2006](#), as amended, shall always control and govern.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.



SECTION 5.00 PURPOSE

- a. The purpose of this Article is to specify the documentation required for administrative approval or site plan approval for any proposed land use changes, provide an outline for the Village Planning Commission and Zoning Administrator to ensure applications receive timely and consistent review, and ensure that any development within the Village is consistent with this Ordinance promoting:
 - 1. Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites
 - 2. Safe and convenient traffic movement, both within a site and in relation or access streets
 - 3. Conservation and protection of natural resources and proposals that are designed to be environmentally sound
 - 4. Compliance with all applicable local, state, and federal laws

SECTION 5.01 APPROVAL MATRIX

Table 5.0 – Plan Review Requirements

TYPE OF USE	PLAN REQUIRED	APPROVING BODY
Single-Family Detached Dwellings	Plot Plan	Zoning Administrator
Adult Foster Care Family Homes and State Licensed Residential Facilities*	Plot Plan	Zoning Administrator
Duplexes	Plot Plan	Zoning Administrator
Triplexes	Plot Plan	Zoning Administrator
Fourplexes	Plot Plan	Zoning Administrator
Single-Family Attached Dwellings	Site Plan	Zoning Administrator
Multiple-Family Dwelling Units	Site Plan	Planning Commission
Child Care Facility (1 – 6 children)	Plot Plan	Zoning Administrator
Child Care Facility (7 - 12 children)	Plot Plan	Planning Commission
Adult Day Care (in private homes) (1 – 12 adults)	Plot Plan	Planning Commission
Adult Day Care (not in a private homes)	Site Plan	Planning Commission
Special Land Uses	Site Plan	Planning Commission
Parking Lots	Site Plan	Zoning Administrator
Change of Use (provided the use is permitted in the district, there are not alterations to the footprint, and no additional parking is required)	None	Zoning Administrator
TYPE OF USE	PLAN REQUIRED	APPROVING BODY
Accessory Buildings, Decks, and Fences	Plot Plan	Zoning Administrator
New Commercial, Office, Industrial, Energy, and Institutional Uses	Site Plan	Planning Commission
Expansion of existing development (that originally requires Planning Commission approval) when the project involves increasing the footprint by twenty (20%) percent or more of the original site plan.	Site Plan	Planning Commission
Expansion of a legal nonconforming use, building or structure as per Section 4.24	Site Plan	Planning Commission
Essential Services	Site Plan	Planning Commission
Solar Energy Systems	Plot Plan	Zoning Administrator
Temporary Uses	See Section 4.08	Planning Commission
*If not permitted as a special land use in the subject zoning district.		

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[RETURN](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

5-2



SECTION 5.02 REQUIREMENTS AND PROCESS FOR A PLOT PLAN

- a. Process: The Zoning Administrator may review and approve plot plans or some amendments to site plans without submission to the Planning Commission. After a plot plan has been submitted, the applicable fees have been paid, and the plan is approved by the Zoning Administrator, they will issue a zoning permit per Section 9.01.
- b. Data Required: The Plot Plan, drawn to scale shall contain the following items and shall be submitted with an application form provided by the Village. The Zoning Administrator may waive any of the plot plan requirements listed below when they find those requirements are not applicable or necessary.

Table 5.1 - Plot Plan Requirements

REQUIREMENT	DESCRIPTION
Location	Address or legal description of the property where the proposed use will occur.
Contact Information	Name, address, email, and telephone number of the property owner(s), applicant(s), and designer(s), and their interest in the property.
Legal Possession	Proof of legal possession of the land for the proposed use.
Property Lines	The shape, location, and dimensions of the lot and property lines, drawn to scale. When deemed necessary by the Zoning Administrator, a survey may be required. The scale, north arrow, and date.
Setbacks	Location of required setbacks of the zoning district.
Structures and Materials	The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. The materials out of which the proposed construction is to be made. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
Accesses	The location and configuration of the lot access and driveway, drawn to scale.
Type of Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
Rights-of-Way and Easements	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the parcel.
Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
Landscaping	All landscaping that will be installed on the property.
Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[RETURN](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

5-4



SECTION 5.03 REQUIREMENTS FOR SITE PLAN

- a. The Planning Commission shall have the authority to review and approve or deny all site plans, taking into consideration the recommendations of the Zoning Administrator. Prior to the issuance of a zoning permit or construction commencement, a site plan review and approval is required.

SECTION 5.04 PRE-APPLICATION CONFERENCE

- a. The Zoning Administrator, alone or in conjunction with the Planning Commission Chair, full Planning Commission, and/or Village President, shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference is not mandatory but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

SECTION 5.05 MINIMUM SITE PLAN INFORMATION REQUIRED

Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Chapter and shall be reviewed by the Zoning Administrator prior to submission to the Planning Commission for compliance with the minimum standards of this Chapter. The following information shall be included on the site plan:

- a. General Requirements:
 1. Contact information, including name, phone number, and address, for the Applicant and/or Owner and professional responsible for the preparation of the site plan. If Applicant is different from Owner, a signed statement from the Owner that the Applicant is acting on their behalf.
 2. Date, north arrow, scale, existing zoning of subject parcel, zoning of adjacent parcels, legal description, and easements.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

RETURN

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

5-5



3. The dimensions of all lot and property lines for the proposed and adjacent parcels, showing the relationship of the subject property to the abutting properties and a boundary survey of the parcel, when required by the Zoning Administrator.
4. Plans submitted for site plan review shall be stamped by a design professional licensed by the State of Michigan such as an Architect, Engineer, Surveyor, or Landscape Architect, if required.
5. The location and rights-of-way widths for all existing and proposed streets and alleyways, and the location of all existing and proposed drives, walks, and parking areas. The existing driveways on adjacent parcels. Dimensioned parking spaces and calculation, surfacing, and number and location of accessible spaces.
6. The location and size of any existing or proposed aboveground or underground public infrastructure and utilities including sanitary sewer lines, water lines, storm drainage and associated facilities and structures, and electric, natural gas, telephone, cable TV, internet, and solid waste disposal.
7. Existing topography on the site and beyond the site for a distance of 100 feet in all directions, and a grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
8. Location of existing natural features such as wooded areas, floodplain, wetlands, drainage courses showing the type of direction of flow, and bodies of water.
9. The location, dimension, and height of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property. The setback and yard requirements for each structure on the subject property.
10. A finished floor elevation and exterior building elevations.
11. The location and size of all existing and proposed loading/unloading areas.
12. The location and size of all existing and proposed landscaping, berms, fencing and walls.
13. The location and size of all existing and proposed trash receptacles and proposed method of screening.
14. The location, height area of illumination, and fixture details of all exiting and proposed lighting. All lighting shall be oriented to have minimal impact of adjacent properties.
15. The size, height, location, and illumination of all exiting and proposed signs.
16. An explanation of the proposed use, hours of operation, and the usable floor area and number of employees.

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[RETURN](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

5-6



- b. Standards for Residential Projects: Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
 - 1. Floor area of dwelling units.
 - 2. Total number of units proposed per building.
 - 3. Density calculations.
 - 4. Areas to be used for open space and recreation.
 - 5. Carport/garage locations.
 - 6. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included.
- c. Phased Construction: Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:
 - 1. Relationship and identification of future structures.
 - 2. Pedestrian and vehicular circulation.
 - 3. Time schedule for completion of the various phases of the proposed construction.
 - 4. Temporary facilities or construction of same as required to facilitate the stated development
- d. Other:
 - 1. Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in compliance with this Chapter.
 - 2. The Zoning Administrator or Planning Commission may waive any of the above requirements determined to be unnecessary for the site plan review process of the subject property.

SECTION 5.06 SUBMITTAL AND REVIEW PROCESS

- a. Number of Copies: Ten (10) copies (11" x 17" in size), three (3) full sized copies (24" x 36" in size) and one digital copy of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the Owner and/or Applicant.
- b. Timing of Submittal: Site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant. If granted, any applicable special meeting fees must be paid in advance by the applicant. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies.

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[RETURN](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

5-7



- c. Submittal to Zoning Administrator: The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- d. Application Fees: Application fees pursuant to currently adopted fee schedule shall be paid when the application and site plan are submitted.
- e. Coordinated Review: Prior to Planning Commission consideration, the site plan and application shall be distributed to the appropriate Village and other local agencies for review and comment. The Zoning Administrator may also submit the proposed site plans to other applicable outside agencies and designated consultants for review. Coordinating agencies may include, but are not limited to, the County Drain Commission and Road Commission, DPW, Health Department, and emergency services providers.
- f. Planning Commission Consideration: The Planning Commission shall review the site plan, together with any reports and recommendations from Village officials, staff, consultants, and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Chapter and the standards of Section 5.11. The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
 - 1. Postponement: Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - 2. Approval: Upon determination that a site plan is in compliance with the standards and regulations set forth in this Chapter, an affirmative vote of the majority of the Planning Commissioners present is needed to approve a site plan.
 - 3. Approval Subject to Conditions: The Planning Commission may approve a site plan, subject to any conditions necessary to address minor required modifications, ensure that public services and facilities can accommodate the proposed use, ensure compatibility with adjacent land uses or otherwise meet the intent and purpose of this Chapter. Such conditions may include the need to obtain variances or approvals from other agencies.

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[RETURN](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

5-8



These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission. At this point in the site plan process, any approval is considered preliminary until all conditions are met.

4. Denial: Upon determination that a site plan does not comply with the standards of this Chapter or would require extensive revisions to comply with such standards, the site plan may be denied. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state how the plan failed to meet the requirements of the zoning ordinance.
- g. Findings of Fact: The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
- h. Official Record and Signed Copies: The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson, and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and Zoning Administrator. One (1) signed and dated approved site plan shall be provided to the applicant.

SECTION 5.07 CONFORMITY TO SITE PLAN REQUIRED

- a. Conformity: Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Village. The Zoning Administrator shall give the permittee notice of violation of the site plan at least ten (10) business days prior to the revocation of the permit to provide time for corrective action. The Village may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.
- b. Construction: No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan.

[ARTICLE 1](#)
[ARTICLE 2](#)
[ARTICLE 3](#)
[ARTICLE 4](#)
[ARTICLE 5](#)
[ARTICLE 6](#)
[ARTICLE 7](#)
[ARTICLE 8](#)
[ARTICLE 9](#)
[ARTICLE 10](#)
[ARTICLE 11](#)
[RETURN](#)

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

5-9



SECTION 5.08 PHASED DEVELOPMENT

- a. Approval of Phased Developments: The Planning Commission may grant approval for site plans with multiple phases, subject to the following:
 - 1. The site design and layout for all phases be shown on the site plan to ensure proper development of the overall site.
 - 2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independent of any improvements planned for later phases.
 - 3. Each phase shall be subject to a separate plan review by the Planning Commission. Any revisions to the approved site plan shall be reviewed in accordance with this Chapter.

SECTION 5.09 RESUBMISSION AND REVISION

- a. Site Plan Resubmission: A site plan that has been denied may be modified by the applicant to address the reasons for the denial and then resubmitted for further consideration. Upon determination that the applicant has addressed the reasons for the original denial, the Planning Commission shall review the amended site plan as if it were a new application, per Section 5.06.
- b. Revisions to Approved Site Plans:
 - 1. The Zoning Administrator may administratively review and approve minor modifications to approved site plans that will not significantly alter or will conflict with the conditions of the site plan approval, materially alter the approved site design, increase the intensity of use or alter anticipated demand for public services. The Zoning Administrator shall provide a copy of any approved, minor modifications to the Planning Commission.
 - 2. Revisions to an approved site plan not considered by the Zoning Administrator to be minor shall be reviewed by the Planning Commission as an amended site plan. A revised plan will be reviewed the same as a new application.

SECTION 5.10 EXPIRATION

- a. Site Plan Expiration: Site plans shall expire 365 calendar days after the date of approval. Upon written request received by the Village prior to the expiration date, the Planning Commission may grant one extension of final approval for up to 365 calendar days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, the approved site plan remains in conformance with all applicable provisions of this Chapter and any required fees have been paid.

SECTION 5.11 SITE PLAN STANDARDS

- a. Ordinance Conformance: Each site plan shall conform to the applicable provisions of this Ordinance (including all use and dimensional standards, parking requirements, setbacks, etc.)
- b. Arrangement of Structure: Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse effects on adjacent properties and future users.
- c. Vehicular and Pedestrian Traffic: Site plans shall fully conform to applicable driveway and traffic standards. Further, the site shall be designed to protect the safety and convenience of pedestrian and vehicular traffic.
- d. Public Safety: Site plans shall fully conform to any applicable fire safety and emergency vehicle access requirements.
- e. Drainage: Site plans shall provide proper storm drainage meeting all local standards.
- f. Hazardous Waste Management: Site Plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
- g. Public Health: Site plans shall fully conform to the requirements of the Michigan Department of Public Health, the Sanilac County Health Department, and other applicable agencies. All site plans shall be designed to protect current or future residents from obnoxious, objectionable, nuisances, or dangerous off-site impacts including, but not limited to, heat, glare, fumes, dust, noise, vibration, and odors.
- h. Statutory Compliance: Site plans shall fully conform to all applicable state and federal statutes.
- i. Conformance with Village Master Plan: Site plans shall fully conform to the land use policies, goals and objectives of the Master Plan.

SECTION 5.12 COMPLIANCE WITH APPROVAL

- a. Responsibility of Owner: It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.
 - 1. Failure to comply with the provisions of this Section shall be a violation of this Chapter, and shall be subject to the penalties as outlined within the Village of Peck Municipal Civil Infraction Ordinance.
 - 2. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

SECTION 6.00 PURPOSE

- a. The intent of this Article is to provide standards for special land uses, which are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district but may be permitted because of circumstances unique to the location of the particular use. This Article provides standards for the Planning Commission to determine the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

SECTION 6.01 SPECIAL LAND USE GENERAL STANDARDS

- a. Prior to approving a special land use application, the Planning Commission shall review the particular circumstances of the special use request under consideration in terms of the following standards and shall approve a special use only upon a finding in compliance with each of the following standards, in addition to the specific standards noted for individual uses in this Article 6, Section 6.07. The proposed use or activity shall:
 - 1. Be constructed, operated, and maintained in a harmonious manner with the existing or intended character of the adjacent properties, the surrounding area, and the natural environment.
 - 2. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.
 - 3. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.
 - 4. Protect and preserve the existing character of the surrounding areas and be compatible with adjacent uses.
 - 5. Be consistent with the intent and purpose of this Ordinance and the goals and objectives of the current Village Master Plan.

- b. Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Article 5. Failure to obtain site plan approval will constitute denial of the approved special land use.

SECTION 6.02 SUBMITTAL REQUIREMENTS FOR SPECIAL LAND USE APPLICATION

Any person owning or having an interest in the subject property may file an application for one (1) or more special use permits in the zoning district in which the land is situated. An application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:

- a. Submittal Requirements: The following materials shall be submitted to the Zoning Administrator at least thirty (30) days prior to the meeting at which the Planning Commission first considers that application for Special Land Use:
 - 1. Three (3) copies of completed forms.
 - 2. Three (3) full sized copies of required site plan plus ten (10) copies in an 11” x 17” format meeting the requirements of Section 5.06.
 - 3. Required fees.
 - 4. Applicant and Ownership information:
 - i. Applicant’s name and address
 - ii. A statement indicating the relationship of the Applicant to the Owner of the property
 - iii. The name, address, and current phone number of the property owner, if the Applicant is not the Owner.
 - iv. The address and parcel number of the property.
 - 5. A detailed statement describing all proposed activities for which the property will be used, including proposed hours of operation, building capacity, and other specific characteristics of the particular use.
 - 6. The Planning Commission may require an analysis of the planning implications to the proposed use or development. The analysis shall be carried out by qualified third-party professionals and shall include, but not be limited to:
 - i. Potential impacts of the proposed use on abutting properties or the surrounding area, along with a description of the proposed mitigation methods to address these impacts.
 - ii. Estimated population for any residential land uses to be included in the proposed development, and a general description of the scope of any impacts on community facilities such as schools and parks.

ARTICLE 1	ARTICLE 2	ARTICLE 3	ARTICLE 4	ARTICLE 5	ARTICLE 6
ARTICLE 7	ARTICLE 8	ARTICLE 9	ARTICLE 10	ARTICLE 11	T.O.C.

- iii. A traffic analysis that relates the trip-generating capacity of the proposed development to existing and projected traffic volumes and patterns on the surrounding area.
- iv. An environmental assessment.
- v. An analysis of project impact on municipal services and public utilities, including capacity in relation to proposed development, improvements necessitated any development and proposed means of financing needed improvements.

SECTION 6.03 PROCESS

- a. Submittal: Applicant shall submit an application package as described in Section 6.02, above.
- b. Initial Review: After submittal, the Zoning Administrator will review the application to ensure that it is complete. If complete, the Zoning Administrator will work with the appropriate departments to begin the special land use approval process. If incomplete, the Zoning Administrator will return the application with a written description of the missing items.
- c. Required Notification: Upon confirmation of a complete application from the Zoning Administrator, the Village will publish a notice and notice property owners pursuant to Article 9 Section 9.02 of this Ordinance.
- d. Planning Commission Public Hearing: The Planning Commission shall review and hold a public hearing on the application.
- e. Planning Commission Action: The Planning Commission shall have the final review authority for all Special Land Uses. After the required public hearing, the Planning Commission shall recommend approval, approval with conditions, or denial of the proposed special land use based on the materials received by the Applicant and the testimony recorded at the public hearing.
 - 1. Any motion by the Commission shall include a written record or the recommended conditions to be imposed on the use, and the findings supporting the Commission's decision. The conditions shall remain unchanged unless an amendment to the special land use permit is approved in accordance with this Article.
- f. Issuance of Permit: Upon approval of the special land use and site plan, the Zoning Administrator shall issue the special land use permit. The Zoning Administrator shall be responsible for ensuring that any conditions attached to the approval are followed and enforced.
- g. Effect of Denial: No application for a special land use permit which has been denied by the Planning Commission shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Zoning Administrator.

ARTICLE 1	ARTICLE 2	ARTICLE 3	ARTICLE 4	ARTICLE 5	ARTICLE 6
ARTICLE 7	ARTICLE 8	ARTICLE 9	ARTICLE 10	ARTICLE 11	T.O.C.

ADOPTED: March 15, 2023

AMENDED:

- h. Appeals: Within ten (10) business days following the date of decision on any special use permit, an applicant or any aggrieved party, including a governmental body or agency, may appeal the decision of the Planning Commission to the Zoning Board of Appeals. Upon the filing of an appeal, all relevant documents and testimony, and the findings and decision of the Planning Commission shall be transmitted to the appropriate appeals forum.

SECTION 6.04 VALIDITY, EXPIRATION, SUSPENSION OR REVOCATION OF A SPECIAL USE APPROVAL

- a. Validity: Approval of a special land use permit shall be valid regardless of change of ownership, provided that the new owner complies with all terms and conditions. Said permit shall be placed on file with the Zoning Administrator.
- b. Expiration: Where development authorized by a special land use permit has not commenced within one year of issuance, the permit shall automatically become null and void, and all rights hereunder shall terminate. Upon written application filed 30 days prior to the termination of the one-year period, the Commission may authorize a single extension of the time limit for a further period of not more than one year.
- c. Discontinuance of Use: Any use for which a special land use approval has been granted and which ceases to continuously operate for a one-year period shall be considered abandoned and the special land use approval shall become null and void.
- d. Compliance Required: It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Article and all conditions of special land use approval until the use is discontinued.
 - 1. Failure to comply with the provisions of this Chapter shall be a violation of the use provisions of this Chapter and shall be subject to the same penalties appropriate for a use violation.
 - 2. The Zoning Administrator shall make periodic investigations of developments authorized by the special land use permit to determine compliance with all permits and ordinance requirements.
- e. Revocation of Approval: Upon finding that the use has not been improved, constructed, or maintained in compliance with this Chapter or the approved permit, the Zoning Administrator may suspend or revoke the special use permit issued under the provisions of this Ordinance.

ARTICLE 1	ARTICLE 2	ARTICLE 3	ARTICLE 4	ARTICLE 5	ARTICLE 6
ARTICLE 7	ARTICLE 8	ARTICLE 9	ARTICLE 10	ARTICLE 11	T.O.C.

ADOPTED: March 15, 2023

AMENDED:

SECTION 6.05 SPECIAL LAND USE AMENDMENTS

- a. Amendments: Any person or agency who has been granted a special land use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the special land use. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of Article 5. A major amendment to a special land use approval shall comply with the application and review procedures contained in this Article.
- b. Expansion or Change in Use: The expansion, change in activity, reuse, or redevelopment of any use requiring a special land use approval, with an increase of ten percent (10%) or greater, shall require re-submittal in the manner described in this Article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use on property which has not previously received special land use approval.

SECTION 6.06 PERFORMANCE GUARANTEE

- a. Guarantee: When deemed necessary, the Planning Commission may, as a condition of approval, require filing a performance or surety bond with the Village Clerk to ensure construction of certain site improvements or development features. The bond shall meet the requirements outlined in Article 9, Section 9.04 of this Ordinance.

SECTION 6.07 SPECIAL LAND USE SPECIFIC STANDARDS

- a. **Drive-Through Facilities:** Developments of a drive-in nature, such as drive-in banks, restaurants, service stations, and theaters shall be so located that entrance and exit drives shall be a minimum of one hundred (100) feet from any intersection. Paved off-street stacking space shall be provided, so that no vehicles will be waiting on the public thoroughfare to gain entry to the premises.
- b. **Kennels:** The boarding, breeding, raising, grooming, or training of four or more dogs, cats, or other household pets of any age either 1) not owned by the owner or occupant of the premises, or 2) for commercial gain may be permitted provided the following requirements are met:
 - 1. Minimum Site Area. Such activity shall be permitted only on a parcel of land not less than one (1) acre in area and provided, further, that such parcel shall not abut or be adjacent to any lot or parcel which is part of a recorded residential subdivision.

2. Enclosures: All animals shall be kept in pens or cages designed, constructed and maintained so as to be harmonious and appropriate in appearance with the character of the general area in which located, and such use will not affect the character of the same area in a negative way.
 3. Enclosure Setbacks: All pens or cages shall be located not less than 50 feet from any property line and all animals shall be kept therein or within a building. No animal shall be allowed to run at large.
 4. Noise and Odor: Such activity shall be conducted so as not to be detrimental to any person, property or the general welfare by reason of excessive noise or odor.
 5. Nuisance Prohibited: The keeping of the animals described in this subsection shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the Village stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing with notice to all property owners within 300 feet of the property where the animals are kept. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance. If the Zoning Board of Appeals determines that the animals have and will likely continue to constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.
 6. Limitation: No person shall allow animals under such person's control or ownership to constitute a nuisance. Notwithstanding anything to the contrary in this ordinance, this subsection shall not be a limitation on, lessen the effect of, or interfere with any other Village ordinance pertaining to animals, and the enforcement of it.
- c. **Mini-Storage/ Self-Service Storage Facilities:**
1. Lot Requirements: The minimum lot area is one (1) acre, and the minimum lot width is 100 feet.
 2. Fencing: A chain link fence of a minimum height of eight feet shall be located on the perimeter of the site. An entrance gate shall be provided with a minimum access width of 12 feet, with either electronic or manual control.
 3. Buildings: Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of 15 feet, as measured from building front to building front.
 4. Indoor Storage Only: All items shall be stored inside an enclosed facility.
 5. Lighting: Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

6-6



d. Motor Vehicle Repair Shops:

1. Lot Area and Width: The minimum lot area for any such use shall be 10,000 square feet, and the minimum lot width shall be 100 feet.
2. Setbacks:
 - i. Any building shall be located not less than 30 feet from any side or rear lot line abutting residentially zoned property.
 - ii. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 30 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
3. Driveways: Ingress and egress drives shall not be less than 15 feet in width, and no more than one curb opening shall be permitted for every 50 feet of frontage (or major fraction thereof) along any street.
4. Driveway Spacing: No drive or curb opening shall be located nearer than 30 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
5. Screening Adjacent to Residential Uses: When adjoining residentially zoned property, a six-foot high masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 20 feet of any right-of-way line, subject to approval by the Zoning Administrator.
6. Outdoor Storage: All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight-foot-high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three days.
7. Corner Lots: On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

6-7



- e. **Slaughterhouses, Transfer Stations and Rendering Plants:**
 - 1. The minimum lot area is one (1) acre and the minimum lot width is 200 feet.
 - 2. No storage or loading activities shall be permitted within 100 feet of any lot line.
 - 3. All buildings shall be setback a minimum of 50 feet from any lot line, buildings housing slaughtering activities shall be setback a minimum of 100 feet from any lot line.
 - 4. All Slaughterhouses, Transfer Stations and Rendering Plants shall be setback a minimum of 300 feet from a dwelling.

SECTION 7.00 AUTHORITY

- a. All powers, duties, and responsibilities provided by [Public Act 33 of 2008](#), as amended, being the Michigan Planning Enabling Act for a planning commission created by resolution of the Village Council and this Ordinance. The Planning Commission shall perform the duties as provided in these Acts, together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

SECTION 7.01 MEETINGS, ADVISORS, AND RULES

- a. **Members:** The Planning Commission shall consist of five (5) members, appointed by the Village President.
- b. **Officers:** The Planning Commission shall elect a chairman, vice chairman, and secretary from its members, and create and fill such other offices or committees as it may deem advisable.
- c. **Meetings:** The Planning Commission shall hold at least four (4) regular meetings each year and, by resolution, shall determine the time and place of such meetings. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.
- d. **Staff:** The Planning Commission may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- e. **Record:** The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations.
- f. **Annual Report:** It shall make an annual written report to the Village Council concerning its operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

7-1



SECTION 7.02 RESPONSIBILITIES AND DUTIES

In addition to the powers and duties provided for by the statute, the Planning Commission shall function as the administrative agency responsible for zoning and planning within the Village and shall, among other things:

- a. Record: Maintain a separate record of all actions taken on issues involving its deliberations and decisions involving zoning.
- b. Review: Review site plans and issue approval, conditional approval, or denial, where required by the provisions of this Ordinance.
- c. Written Decision: Issue written opinion to applicants.
- d. Decision: Review applications for special land uses and conduct public hearings pursuant to the statutory procedures provided by Article 9, Section 9.02 . Following the public hearing, issue approval, conditional approval, or denial of the special land use application.
- e. Amendments: Review and decide upon amendments to this Ordinance and conduct public hearings pursuant to the statutory procedures provided by Article 9, Section 9.02 Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed text change to the Council.
- f. Rezoning: Review and decide upon rezoning requests to this Ordinance and Zoning Map and conduct public hearings pursuant to the statutory procedures provided by Article 9, Section 9.02. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning to the Council.
- g. Zoning Map: Maintain a Village zoning map defining such use districts.
- h. Master Plan: Maintain a Master Plan for potential growth, expansion or other change to the community.
 1. Such plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the prospective development of the said areas, including, among other things:
 - i. The general relation, character, and extent of streets, bridges, boulevards, parkways, playgrounds, and open spaces,
 - ii. The general relation of public buildings, and of other public property,
 - iii. The general location and extent of all public utilities and terminals whether public, private owned, or operated for water, light, sanitation, transportation, communication, power, and other purposes.
 - iv. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals;

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

7-2



- v. The general location, character, layout, and extent of community centers and neighborhood units,
 - vi. The general character, extent, and layout of the replanning and redeveloping of any blighted districts; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.
2. The Master Plan shall be made with the general purpose of guiding, and accomplishing a coordinated, adjusted, and harmonious development of the Village, and its environs, which will, in accordance with present and future needs, best promote health, safety, and general welfare, as well as efficiency and economy in the process of development; including, among other things:
- i. Adequate provisions for traffic, and
 - ii. Promotion of public safety,
 - iii. Adequate provisions for light and air,
 - iv. The promotion of a healthful and convenient distribution of the population,
 - v. The promotion of good civic design and arrangement,
 - vi. Wise and efficient expenditure of public funds, and
 - vii. The adequate provisions of public utilities and other public requirements.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

7-3



SECTION 8.00 AUTHORITY

- a. The Village of Peck hereby establishes a Zoning Board of Appeals (ZBA). Village Council members shall act as the ZBA, which shall perform its duties and exercise its powers as provided in Article VI of the [Michigan Zoning Enabling Act \(PA 110 of 2006\)](#). In order to ensure that the objectives of this Ordinance are observed, that public safety, morals and general welfare are protected, and that substantial justice is provided.

If not in direct conflict to, the terms of the statute shall prevail, except as modified by the terms of this Ordinance.

SECTION 8.01 MEMBERSHIP

- a. Regular Members: The Zoning Board of Appeals members will consist of three (3) members appointed by the Village Council. Each member shall be appointed to hold office for a three (3) year term. A vacancy on the ZBA shall be filled by Village Council for the remainder of the unexpired term in the same manner as the original appointment.
- b. Alternate Members: The Council may appoint two (2) alternate members for three (3) year terms. One or both alternate members may be called by the chairperson, or in the absence of the chairperson by the vice chairperson, or, in the absence of the vice chairperson, by the secretary to sit as a regular member of the ZBA if a regular member is absent from or unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. While serving, the alternate member shall have the same voting rights as a regular member of the ZBA.
- c. Roles: Members of the ZBA shall be residents of the Village: One (1) of the regular members or an alternate member may be a member of the Village Council, but that member shall not serve as the chairperson of the ZBA. An employer or contractor of the Council may not serve as a member of the ZBA.
- d. Elections: The ZBA shall annually elect its own chairperson, vice chairperson, and secretary to preside over meetings.
- e. Removal of Member: Members of the Board shall be removable for misfeasance, malfeasance, or nonfeasance (nonperformance of duty, misconduct in office, or other cause) by the Village Council upon written charges having been filed with the Council and after a public hearing has been held regarding such charges. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Village Council and shall be for the unexpired term.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

8-1



SECTION 8.02 MEETINGS

- a. Meetings and Rules of Procedure: The Zoning Board of Appeals shall adopt its own rules of procedure and meetings shall be held at the call of the Chairperson and at such times as the Board may determine.
- b. Open Meetings: Such meetings shall be open to the public in compliance with the [Open Meetings Act, 1976 PA 267](#), as amended, and this Ordinance.
- c. Records: A record of its proceedings, showing the action of the Board and the vote of each of the members on every question considered, shall be kept.
- d. Quorum: The presence of three (3) members shall be necessary to constitute a quorum. The Zoning Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

SECTION 8.03 JURISDICTION AND RESPONSIBILITIES

- a. The ZBA shall have all jurisdiction and powers granted by the [Michigan Zoning Enabling Act \(Public Act 110 of 2006\)](#), as amended, and the following specific jurisdiction and powers:
 1. Administrative Review: To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provision of this Chapter, subject to the provisions of Section 8.04.
 2. Interpretation of Zoning Ordinance Provisions: To hear and decide requests for interpretations of Zoning Ordinance provisions or the official zoning map, subject to the provisions of Section 8.05.
 3. Variances: To authorize, upon an appeal, a variance from the strict application of the provisions of this Chapter, subject to the provisions of Section 8.06.

SECTION 8.04 APPEALS

- a. Administrative Appeals: The Zoning Board of Appeals (ZBA) shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

8-2



1. **Standing to Appeal:** Such appeals may be taken to the ZBA by any person, firm or corporation; or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeal shall be taken within such time as shall be prescribed by the ZBA by general rule, by filing with the Zoning Administrator and the ZBA a notice of appeal, specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.
2. **Stay of Proceedings:** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, the proceedings shall not be stayed other than by a restraining order issued by a court of record.
3. **Review Criteria for Administrative Appeals:** The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision, or determination:
 - i. Constituted an abuse of discretion;
 - ii. Was arbitrary or capricious;
 - iii. Was based upon an erroneous finding of a material fact; or
 - iv. Was based upon an erroneous interpretation of the Zoning Ordinance.
4. **Actions:** After making such a determination, the ZBA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Chapter. In doing so, the ZBA shall exercise all authority granted by this Chapter to the person or body from whom the appeal is taken.

SECTION 8.05 INTERPRETATION

- a. **Interpretation of Zoning District Boundaries:** Where an ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the zoning map in such a way as to carry out the intent and purpose of the Village Zoning Ordinance and Master Plan. The following rules shall apply to such interpretations:
 1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.
 2. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.
 3. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

8-3



4. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
5. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, the ZBA shall interpret the district boundaries.
- b. Interpretation of Zoning Ordinance Provisions: The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Chapter and master plan.
 1. Further, in recognition that every potential use cannot be addressed in this Chapter, the ZBA shall have the authority to determine whether a proposed use not listed in this Chapter is similar to a permitted or special land use permitted by this Chapter, subject to the following:
 - i. Prior to making such a determination, the ZBA must find that the principal or special land use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses.
 - ii. The ZBA may determine that the use is (or is not) similar to a use listed in this Chapter, or may recommend to the Village Council that the proposed use be addressed through an amendment to this Chapter.
 - iii. If it is determined that there is no similar use listed in this Chapter, the use shall be prohibited.
 - iv. If it is determined that the proposed use is similar to a use listed in this Chapter, the proposed use shall comply with any conditions or special land use standards that apply to the listed use.
 - v. The ZBA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this Chapter, to protect the health, safety, or welfare, or to preserve the social and economic well being of adjacent residents and landowners, or the Village as a whole.

SECTION 8.06 VARIANCES

- a. The ZBA shall have the authority to grant variances from specific requirements of this Chapter in accordance with Article VI of the [Michigan Zoning Enabling Act \(P.A. 110 of 2006\)](#) and the provisions of this subchapter. The ZBA shall state the grounds upon which it justifies the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Chapter.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

8-4



- b. Dimensional Variances: The granting of a variance from particular area, setback, frontage, height, bulk, density, or other dimensional (non-use) standards of this Chapter shall require a finding of practical difficulties, based upon the following criteria:
 - 1. Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
 - 2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
 - 3. The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
 - 4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
 - 5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the Village, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
 - 6. The alleged practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.
- c. Use Variances: Use variances shall be prohibited within the Village.

SECTION 8.07 APPLICATION AND PROCEDURES

- a. Applications: All applications to the ZBA shall be filed with the Zoning Administrator, with payment of the appropriate review fee established by Village Council. At a minimum, applications shall include the following:
 - 1. The applicant's name, address, and contact information; and the address and location of the property involved in the request.
 - 2. Zoning classification of the subject parcel(s) and all abutting parcels.
 - 3. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, street rights-of-way, easements, structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
 - 4. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this subchapter for the type of request.
 - 5. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

8-5



- b. **Fee:** Before accepting for filing any requests in which the ZBA has appellate or original jurisdiction under the provisions of this Article, the Village of Peck shall charge and collect the fees in accordance with the schedule of fees adopted by the Village Council resolution. If an applicant requests and receives a postponement of the hearing subsequent to the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Village to re-notice the hearing.
- c. **Hearings and Public Notice:** The ZBA shall fix a reasonable time for the hearing of the application or appeal and shall give notice of the hearing pursuant to PA 110 of 2006, and Article 9, Section 9.02. At the hearing, any party may appear in person or by agent or by attorney.
- d. **Decision of the Board:**
 - 1. The concurring majority vote of the full membership of the ZBA shall be necessary to reverse any order, requirement, decision or determination of any administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance, or to grant a non-use variance. The granting of a use variance requires the concurring vote of two-thirds (2/3) of the full membership of the ZBA.
 - 2. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and observed by the Zoning Administrator, and they shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the ZBA.
 - 3. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
 - 4. A decision or variance granted by the ZBA runs with the land and shall be valid after transfer of property ownership.
- e. **Written Record:** Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case.
- f. **Conditions:** In granting the variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

8-6



SECTION 8.08 LIMITATIONS OF AUTHORITY

- a. Limitations of Authority: The following specific limitations shall apply to the authority of the ZBA:
 1. Expiration of Approval: No order of the ZBA permitting the erection or alteration of a structure, or use of a structure or land, shall be valid for a period longer than 365 calendar days, unless a building permit for such erection or alteration is obtained within such period, or the use is lawfully established within such period.
 2. Limitations on Review: The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission regarding amendments to this Chapter, or special land uses.
 3. Code Changes Prohibited: The ZBA shall not have the authority to alter this Zoning Ordinance or Map.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

8-7



SECTION 9.00 ZONING ADMINISTRATOR

- a. The provisions of this section shall be administered by the Zoning Administrator, or such other official or officials the Village Council designates. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Village Council. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance. The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Village Council or provisions of this Ordinance:
1. Accept and Record Applications, Issue and Record Permits: All applications for plot plans, site plans, special uses, and Zoning Board of Appeals requests shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their status. When all applicable provisions of this Ordinance have been met regarding any application, the proper review procedures have been completed, and the project approved by the appropriate approving body/person, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see review process table in Section 9.01). The Zoning Administrator shall maintain a record of all applications, including documentation for each.
 2. Issue Written Denial: When any application is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
 3. Notice of Hearings: Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
 4. Inspections: The Zoning Administrator, or their designee, shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance. The construction or usage affected by any zoning permit shall be subject to the following:
 - i. Inspection Prior to Construction: At time of staking out of building foundation or location of structure. The property owner is responsible for determining and marking the correct location of property lines from which setbacks are measured.
 - ii. Inspection After Construction: Upon completion of the construction authorized by the permit.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:



- iii. Procedures:
- a. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue their written approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.
 - b. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plan filed, or is in violation of any provision of this Ordinance, or any other applicable law, they shall so notify, in writing, the holder of the permit or their agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
 - c. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof, and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.
5. Record Special Uses: The Zoning Administrator shall keep a record of all special use permits issued under the terms of this Ordinance.
6. Record Interpretations of Ordinance: The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
7. Public Information: The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-2



8. Respond To Complaints: The Zoning Administrator shall respond within ten (10) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
9. May Not Change Ordinance: Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

SECTION 9.01 ADMINISTRATION PROCESS

- a. Application: Before proceeding with the construction, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a zoning permit from the Zoning Administrator. Applications shall be made in writing upon forms provided by the Village. It shall be the duty of all architects, contractors, and other persons having charge of construction or movement to determine that proper certification has been issued before undertaking any such work, and all persons performing such work in violation shall be deemed guilty of municipal civil infraction in the same manner as the owner of the premises.
- b. Application Review Process: On submission of an application, the Zoning Administrator will review the application material to determine review process according to the review process table in subsection e. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.

The Zoning Administrator will forward the application on to the Planning Commission or Zoning Board of Appeals for approval in cases which require approval by those bodies. In cases of applications which require administrative approval of the Zoning Administrator, an administrative review will occur prior to the issuance of a zoning permit.

- c. Zoning permits:
 1. A zoning permit is required prior to the issuance of a building permit.
 2. Zoning Permit Required: No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a zoning permit application has been filed, and a zoning permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-3



zoning permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the zoning permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical, or plumbing permit.

3. Final Plot Plan or Site Plan Approval Required:
 - i. The Village shall not issue a zoning permit until a final plot plan or site plan has been approved and is in effect.
 - ii. No grading, removal of trees or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect.
4. Other Required Permits: A zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.
5. Construction Code Compliance: Construction, including mobile home placement may be commenced only after a building permit has been obtained in accordance with the applicable building, plumbing and/or electrical codes applicable within the Village and/or the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.
6. Notification of Availability of Property for Inspection: When alterations begin or when the footings of a building have been constructed and before the completion of the foundation walls and also at the time of the completion of the frame and skeleton construction, the owner, contractor or his agent shall notify the Zoning Administrator in writing in order that the inspection may be made at each of these times (see Section 9.00(d)).
7. Final Inspection: The Zoning Administrator shall be given the opportunity to make a final inspection of all buildings and structures after completion, before occupancy begins, upon receiving notice from the owner, contractor or his agent that said building is ready for final inspection. If such building or alterations comply with the statements in the application, plans, working drawings, and specifications, a certificate of zoning compliance shall be issued.
8. Zoning Permit Expiration: The zoning permit will expire after six (6) months from date of issuance if no building permit has been taken out. Site plan approval may be extended pursuant to Section 5.10 of the Ordinance.
9. Zoning Permit Revocation: The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-4



shall be notified of such revocation in writing. The Planning Commission shall have the power to revoke a special use permit.

10. Payment of Fees: No zoning permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Village Council.
 11. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.
 12. Failure to Obtain Permit: Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary zoning permit shall be subject to Section 9.01 and the requirements of this section.
 13. Right to Appeal. Pursuant to Section 8.04 of the Ordinance, where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance, an aggrieved party may submit an appeal in accordance with the procedure outlined in Section 8.07.
- d. Record Maintained: The Zoning Administrator shall keep a record of each application for a site plan that has been submitted including the disposition of each one, per the Village retention policy. This record shall be a public record, open for inspection upon request.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-5



Table 9.0 - Review Process Table

Type of Action	Parties who may initiate action	Body making decision	Public hearing required	Published notice	Mailed notice	Body to appeal a denial
Minor Site /Plot Plan Approval	Applicant	ZA	No	-	-	ZBA
Site Plan Approval	Applicant	PC	No	-	-	ZBA
Special Use Permit	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	ZBA
Variance	Applicant	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Interpretation	Applicant, PC, or ZA	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Appeal from Decision	Any aggrieved party	ZBA	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Rezoning or Text Amendment	Applicant, or PC	Step 1: PC recommends to VC	Yes	Not less than 15 days	Not less than 15 days	No action until after VC decision
		Step 2: VC	No	-	-	-
		Step 3: VC publishes Notice of Adoption in newspaper (within 15 days after adoption). Amendment goes into effect 7 days after publication.				
Zoning Ordinance Enforcement	ZA	-	-	-	-	ZBA
Expansion of a Non-conforming Use or Structure	Applicant	PC	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
ZA – Zoning Administrator PC – Planning Commission VC – Village Council ZBA – Zoning Board of Appeals						

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-6



SECTION 9.02 PUBLIC NOTICE REQUIREMENTS

- a. State Requirements: All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, 2006 PA 110 as amended, MCL 125.3101](#) et. seq. and the other provisions of this Section with regard to public notification.
- b. Published Notice: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Peck and mailed or delivered as provided in this Section.
- c. Content: All mail, personal and newspaper notices for public hearings shall:
 1. Nature of Request: Describe the nature of the request. Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, Ordinance interpretation or other purpose.
 2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 3. Date, Time, and Location: When and where the request will be considered: indicate the date, time, and place of the public hearing(s).
 4. Written comments: Include a statement describing when and where written comments will be received concerning the request via mail and email. Include a statement that the public may appear at the public hearing in person or by council.
 5. Accessibility: Information concerning how access will be accommodated if the meeting facility is not accessible.
- d. Notice:
 1. Except as noted in subsection iv(a) and subsection iv(b) below, notices for all public hearings shall be given as follows:
 - i. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - ii. Notice of the hearing shall be published in a newspaper of general circulation.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-7



- iii. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
- iv. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - a. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - b. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- 6. Notice for Multiple Properties: Newspaper publication as required in subsection c(1) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
- 7. Interpretation: For Ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in subsection c(1), above.
- 8. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, postage paid. Zoning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- 9. Registration to Receive Notice by Mail:
 - i. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The Village Clerk shall be responsible for providing this notification, as established by the Village Council.
 - ii. Requirements: The requesting party must provide the Zoning Administrator information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-8



SECTION 9.03 FEES

- a. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Village, the Village Council may adopt, by resolution, a Fee Schedule establishing basic zoning fees.
- b. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
- c. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the Zoning Administrator, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:



SECTION 9.04 PERFORMANCE GUARANTEE

- a. In connection with the construction of improvements through site plan approval, or special land use approval, the Planning Commission may require the applicant to furnish the Village with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, curbs, landscaping, fences, walls, lighting, drainage, parking lots, sidewalks, driveways, utilities, water and sewer systems, and similar items which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, returning the site to a safe and healthy condition, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Village Clerk at or before the time the Village issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Village Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the completed development or each phase of a multi-phase development in the following manner:
1. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
 2. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
 3. The balance at the completion of the public and site improvements.
- b. Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Village as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:



SECTION 9.05 LAND REMOVAL AND/OR LANDFILL PERMIT

Before any land in the Village is stripped, excavated, quarried, removed, or stockpiled or before any landfilling operations are conducted, a permit shall be obtained from the Zoning Administrator in accordance with procedures hereinafter provided. Permits will not be required for agricultural practices or operations incidental thereto, nor will a land removal or filling permit be required when such operations are incidental to a construction project covered by a building permit. It is the intent of this provision to regulate any filling or excavating in the public right-of-way or on any private lands where the results or such filling or excavating will cause unsafe conditions, soil erosion, or drainage problems.

- a. An application for a land removal or a land fill permit shall be made to the Zoning Administrator containing the following information:
 1. Names and addresses of parties of interest in the property affected, with a statement of each party's interest.
 2. A description of the property.
 3. Detailed statement of the type of operation, equipment to be used, and estimated period of time operation will be in effect.
 4. A statement of the proposed method of restoring the property when the operation is completed.
 5. A site plan scaled at no more than 200 feet to the inch of the area of operation (maximum 10 acres) with existing contour lines at not more than 5-foot intervals.
Additionally, a drawing shall be submitted showing the proposed contours for the property upon completion.
 6. A soil erosion permit, where required by Public Act 347 of 1972, shall be obtained from Sanilac County Soil Erosion and Sedimentation Control Agency and a copy thereof filed with the Zoning Administrator before final approval of any land removal or filling permit.
 7. Such addition information as may be required by the Zoning Administrator.
 8. A permit fee deposit in the amount set annually by resolution, half of which will be used to cover the cost of interim and final inspections when the operation has been completed and the balance of which will be used to cover the Village expenses for administrative and engineering review. Any portion of the deposit, except the inspection fee, that is unused will be returned to the applicant. Should expenses exceed the deposit, the outstanding balance shall be paid by the applicant.
 9. In cases where certain operations are to be conducted in the public right-of-way and a Village Ordinance has been adopted for the purpose of regulation, all provisions of said Ordinance not in conflict with those provisions, shall also apply.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-11



SECTION 9.06 ENFORCEMENT

- a. Responsibility: It is the responsibility of the Zoning Administrator to enforce the provisions of this ordinance.
- b. Violations: Any building or structure that is erected, altered, maintained, or used or any use of land that is begun, maintained or changed in violation of this Ordinance is hereby declared to be a violation of this Ordinance.
- c. Penalties: Violations of any provisions of this Ordinance are declared to be enforceable under the Village Ordinance covering Municipal Civil Infractions and the rules adopted. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

9-12



SECTION 10.00 INITIATION OF AMENDMENTS, GENERALLY

- a. The Village Council may from time to time, on recommendation of the Commission or on petition, amend, modify, supplement, or revise the zoning district boundaries shown on the official zoning map or the regulations of this Ordinance. An amendment to the zoning district boundaries contained on the official zoning map (rezoning) may be initiated by the Village Council, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the text of this Ordinance may be initiated by the Village Council, the Planning Commission, or by petition of one (1) or more residents or property owners of the Village. Such action shall be pursuant to and in accordance with the provisions of [PA 110 of 2006](#), as amended.

SECTION 10.01 AMENDMENT PROCEDURE

- a. Application and Fee: Each application by one (1) or more owners or their agents for an amendment shall be submitted upon an application of standard form to the Zoning Administrator. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Zoning Administrator shall transmit the application to the Planning Commission for recommended action.
- b. Recommendation: The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
- c. Public Hearing: Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing in accordance with Section 9.02. All applications shall be referred to the Zoning Administrator and Planning Commission for review at least two weeks prior to public hearing.
- d. Recommendation to Village Council: Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the application and shall report its findings and recommendation to the Village Council. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Section 10.02, below, in making its finding and recommendation.

- e. Village Council Action: Following receipt of the findings and recommendation of the Planning Commission, the Village Council shall consider the Planning Commission findings of the proposed amendment and, in the case of a rezoning, the criteria listed in Section 10.02 below and shall vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the Village Council. The Village Council may refer back any proposed amendments to the Planning Commission for additional consideration and comment. The Planning Commission shall have sixty (60) days from such referral to make further recommendations to the Village Council. In the event that an application is referred back to the Planning Commission, the Village Council shall make specific mention of their objections to the Planning Commission's findings and recommendations. The Village Council shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.
- f. Publication: Once adopted by the Village Council, amendments to this Ordinance shall be filed with the Zoning Administrator, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect seven (7) business days after publication or at a later date as may be specified by the Village Council at the time of adoption.
- g. Resubmittal: No application for an amendment that has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Village Council, are found to be valid.
- h. Amendments: Amendments or supplements to the Zoning Ordinance shall be made in the same manner as provided for the enactment of the original Ordinance.
- i. Protest Petition: Upon presentation of a protest petition against such proposed amendment to this Zoning Ordinance to the Village Council, signed by the owners of at least twenty (20%) percent of the area of land in the proposed change or twenty (20%) percent of owners of land within an area extending outward one hundred (100') feet from the boundary of the land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. All publicly owned lands shall be excluded in calculating the twenty (20%) percent land area required.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

10-2



SECTION 10.02 CRITERIA FOR AMENDING THE ZONING MAP

- a. In considering any application for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Village Council may consider the following criteria in making its findings, recommendations, and decision:
 - 1. Is the proposed use consistent with the goals, objectives and future land use of the currently adopted Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed use consistent with recent development trends in the area?
 - 2. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 3. Will there be an adverse physical impact on surrounding properties?
 - 4. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 5. Are there physical, geological, hydrological, or other environmental features of the site compatible with the potential uses allowed in the proposed zoning district?
 - 6. Is the capacity of infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the residents?
 - 7. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

SECTION 10.03 CONDITIONAL REZONING

- a. Intent: It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- b. Application and Offer of Conditions:
 - 1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
 5. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- c. **Planning Commission Review:** The Planning Commission, after a public hearing as set forth pursuant to Section 9.02 of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
 - d. **Village Council Review:** After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with Section 401 of [PA 110 of 2006](#), refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
 - e. **Approval:**
 1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Village Council to accomplish the requested rezoning.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

10-4



2. The Statement of Conditions shall:
 - i. Be in a form recordable with the County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 - ii. Contain the legal description and tax identification number of the land to which it pertains.
 - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - iv. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the County Register of Deeds.
 - vi. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Zoning Map: Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. Register of Deeds: The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the County Register of Deeds. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
5. New District Provisions: Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- f. Compliance with Conditions:
 1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

10-5



comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- g. Time Period for Establishing Development or Use: Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Village Council if:
 1. It is demonstrated to Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
 2. The Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- h. Reversion of Zoning: If the approved development and/or use of the rezoned land does not occur within the timeframe specified under subsection g above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.
- i. Subsequent Rezoning of Land: When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection h above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Village Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.
- j. Amendment of Conditions:
 1. During the time period for commencement of an approved development and/or use specified pursuant to subsection g above, or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
 2. The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- k. Village Right to Rezone: Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

10-6



compliance with this Ordinance and the Michigan Zoning Enabling Act ([Act 110 of the Public Acts of 2006, as amended](#)).

- l. Failure to Offer Conditions: The Village shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

10-7



SECTION 11.00 VALIDITY

- a. This Ordinance and the various articles, sections, paragraphs, and clauses are hereby declared to be severable.
- b. If any article, section, paragraph, or clause is held to be invalid by a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance.

SECTION 11.01 REPEAL

- a. All other previously adopted ordinances or parts of ordinances in conflict with this Ordinance shall, to the extent of such conflict, be considered repealed at such time as this Ordinance becomes legally effective.
- b. The repeal of any previous zoning ordinance, as provided, shall not affect, or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

SECTION 11.02 INTERPRETATION

- a. In interpreting the provisions of this Ordinance, they shall be considered the minimum requirements to preserve public safety, health, and general welfare of the community as a whole.

SECTION 11.03 APPLICATION

- a. In applying the provisions of this Ordinance, it is not intended to interfere with, invalidate or annul any ordinances, rules, regulations, or permits previously adopted or issued that are not in conflict with the provisions of this Ordinance provided, however, that where the provisions of this Ordinance impose greater restrictions than is required by existing ordinances, rules, control; nor is it intended by this Ordinance to interfere, invalidate or annul any easements, covenants or agreements between parties provided, however, that where this Ordinance imposes a greater restriction upon the use of land or structures that such easements, covenants, or agreements than the provisions of this Ordinance shall control.

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

11-1



SECTION 11.04 VESTED RIGHT

- a. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 11.05 ENACTMENT AND EFFECTIVE DATE

- a. The required public hearing was held before the Village of Peck Planning Commission on the 15th day of February, 2023, for this Zoning Ordinance of the Village of Peck. The Ordinance was adopted by the Peck Village Council at a regular meeting held on the 15th day of March, 2023.
- b. Notice of adoption shall be published in a newspaper having general circulation in the Village of Peck within fifteen (15) days after adoption.
- c. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Peck Village Council after publication of a notice of adoption of said amendments.
- d. The provisions of the Ordinance are hereby declared to be necessary for the preservation of the public peace, health, safety, and welfare of the people of the Village of Peck and are hereby ordered to be effective as of the date 1st day of May, 2023.

I hereby certify that the above Ordinance was adopted by the Peck Village Council at a regular meeting held on 15th day of March, 2023.

NAME, TITLE

ARTICLE 1

ARTICLE 2

ARTICLE 3

ARTICLE 4

ARTICLE 5

ARTICLE 6

ARTICLE 7

ARTICLE 8

ARTICLE 9

ARTICLE 10

ARTICLE 11

T.O.C.

ADOPTED: March 15, 2023

AMENDED:

VILLAGE OF PECK ZONING ORDINANCE

11-2

